



CABINET
Thursday, 23rd July, 2015

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

Council Chamber, Civic Offices, High Street, Epping
on Thursday, 23rd July, 2015
at 7.00 pm .

Glen Chipp
Chief Executive

Democratic Services
Officer

Gary Woodhall
The Directorate of Governance
Tel: 01992 564470
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Members:

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

PLEASE NOTE THE START TIME OF THE MEETING

1. WEBCASTING INTRODUCTION

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

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

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

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

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

2. APOLOGIES FOR ABSENCE

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 11 June 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 - 4 JUNE 2015 (Pages 7 - 18)

(Housing Portfolio Holder) To consider the minutes from the recent meeting of the Council Housebuilding Cabinet Committee, held on 4 June 2015, and any recommendations therein.

9. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 18 JUNE 2015 (Pages 19 - 26)

(Finance Portfolio Holder) To consider the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee, held on 18 June 2015, and any recommendations therein.

- 10. LOCAL COUNCIL TAX SUPPORT SCHEME 2016/17 (Pages 27 - 32)**
(Finance Portfolio Holder) To consider the attached report (C-011-2015/16).
- 11. COPPED HALL CONSERVATION AREA CHARACTER APPRAISAL (Pages 33 - 36)**
(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-012-2015/16).
- 12. SAFEGUARDING STRATEGY AND ACTION PLAN (Pages 37 - 54)**
(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-013-2015/16).
- 13. PREVENT POLICY (Pages 55 - 78)**
(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-014-2015/16).
- 14. SAFEGUARDING STAFFING RESOURCES (Pages 79 - 84)**
(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-015-2015/16).
- 15. DISTRICT CCTV PROVISION - STRATEGIC DIRECTION (Pages 85 - 94)**
(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-016-2015/16).
- 16. ASSESSMENT OF VIABILITY OF AFFORDABLE HOUSING, COMMUNITY INFRASTRUCTURE LEVY AND LOCAL PLAN (Pages 95 - 114)**
(Planning Policy Portfolio Holder) To consider the attached report (C-017-2015/16).
- 17. RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE (Pages 115 - 122)**
(Governance & Development Management Portfolio Holder) To consider the attached report (C-018-2015/16).
- 18. COMPENSATION FOR MISSED REFUSE COLLECTIONS (Pages 123 - 128)**
(Governance & Development Management Portfolio Holder) To consider the attached report (C-019-2015/16).
- 19. 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.

20. 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
nil	none	nil

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

Confidential Items Commencement

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

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

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

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

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Council Housebuilding Cabinet **Date:** Thursday, 4 June 2015
Committee

Place: Council Chamber, Civic Offices, **Time:** 6.30 - 9.56 pm
High Street, Epping

Members Present: D Stallan (Chairman), R Bassett, S Stavrou, G Waller and J Philip

Other Councillors: N Bedford, Y Knight, R Morgan, A Patel, M Sartin and C Whitbread

Apologies: W Breare-Hall

Officers Present: A Hall (Director of Communities), P Pledger (Assistant Director (Housing Property and Development)) and J Leither (Democratic Services Assistant)

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

1. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor J Philip substituted for Councillor W Breare-Hall at the meeting.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

Resolved:

That the minutes of the meeting held on 5 March 2015 be taken as read and signed by the Chairman as a correct record.

4. CHANGE OF ORDER

The Chairman proposed to the Cabinet Committee that due to the content of new information regarding Agenda Item 10, Marden Close and Phase 1 and 2 Progress Reports that this information should be heard in private session. He therefore proposed that Agenda Item 11, Risk Register be heard before Agenda Item 10, Marden Close and Phase 1 and 2 Progress Report.

Resolved:

(1) That Agenda Item 10, Marden Close and Phase 1 and 2 Progress Report would be heard in private session; and

(2) That Agenda Item 11, Risk Register would be heard before Agenda Item 10.

5. HCA INVESTMENT PARTNER QUALIFICATION

The Assistant Director (Housing, Property & Development) presented a report to the Cabinet Committee. He advised that East Thames had made an application to the Homes and Communities Agency, on behalf of the Council, to become Investment Partners thereby qualifying for Affordable Homes Grant as part of the HCA's Affordable Homes Programme 2015-18.

Without this qualification, the Council would not be able to draw on the £500,000 grant that has been awarded for 40 new 1 and 2-bed homes at Burton Road, Loughton as part of Phase 2 of the Council's House-building Programme

East Thames Group had received written notification from the HCA in a letter dated 19 May 2015 that the Council had now qualified to participate in the Affordable Homes Programme 2015-18 on the basis that the Council would be working with East Thames Group as its development partner, which not only secured the £500,000 HCA Grant for Phase 2 but also enabled the Council to make further bids to the HCA for Affordable Homes Grant on future phases of its House-building Programme should the Council decide.

Decision:

That the Cabinet Committee note that the Council has qualified as an Investment Partner with the Homes and Communities Agency.

Reasons for Decision:

It was a requirement of the contract with East Thames, as the Council's Development Agent, that they make an application on behalf of the Council to the Homes and Communities Agency to become an investment Partner so that the Council could apply for Affordable Housing Grant.

Other Options Considered and Rejected:

This report is for noting only.

6. FEASIBILITY STUDIES

The Assistant Director (Housing, Property & Development) presented a report to the Cabinet Committee on the feasibility of developing a number of sites. 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 House-building Programme in line with the Policy on Prioritisation of Sites.

Decisions:

(1) That following the Cabinet Committee considering the viability of each of the 9 (nine) individual feasibility studies taken from the Cabinet approved list of Primary Sites, or have since been agreed to be added to the list, for consideration and inclusion in a future phase of the Council House-building Programme, the following decisions be made:

(a) Pound Close, Nazeing

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

(b) Palmers Grove, Nazeing

That the Cabinet Committee agreed that this was a viable site to progress to a detailed planning stage. However, Members requested that the design should accommodate a vehicular turning circle on the site.

(c) Millfield, High Ongar

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

(d) St. Peters Avenue, Ongar

That the Cabinet Committee agreed the St. Peters Avenue, Ongar site be deferred to a future meeting of the Cabinet Committee for more information on the access to the site, Members felt that the site access was too narrow and asked for it to be looked with regard to widening the access road.

The Cabinet Committee agreed that in the mean-time, the garages would continue to be marketed and let to local residents.

(e) Queensway, Ongar

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

(f) Graylands, Theydon Bois

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

(g) Green Glade, Theydon Bois

That the Cabinet Committee agreed that this site should remain as a garage site until such time as the vacancy percentage of the garage site reaches 20% as agreed by the Cabinet in 2012.

Members proposed and agreed to continue to market and rent garages to local residents.

(h) Colvers, Matching Green

That the Cabinet Committee agreed that Option B, 2 x 3 bedroom 2-storey houses with 5 parking spaces, was a viable site to progress to a detailed planning stage.

(i) Parkfields (Site A), Roydon

That the Cabinet Committee proposed that this site would be included in a future phase of the Council House-building Programme as the access to the

site would need to be looked at due to being narrow and no turning point on the site.

(2) That for any sites not considered viable for Council house-building, alternative uses be agreed 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.

(3) That where there was difficulty with a narrow or restricted access and no turning point, consideration should be given to installing a sprinkler system into the units or making arrangements for other appropriate fire prevention measures acceptable to the Fire and Rescue Service and that the costs and general approach to fire prevention at such developments be considered at a future meeting of the Cabinet Committee.

Recommendations to the Cabinet:

(1) That, as a result of the proposed development at the following locations, the Cabinet considers increasing the priority for the proposed off street parking schemes at:

- (a) Millfield, High Ongar;
- (b) Queensway, Chipping Ongar;
- (c) Graylands, Theydon Bois; and
- (d) Colvers, Matching Green.

(2) That, following the decision to progress to the detailed planning stage, the priority of the following schemes also be increased:

- (a) Green Glade, Theydon Bois; and
- (b) Parkfields (Site A), Roydon.

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 9 sites included in

this report are 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.

7. FINANCIAL REPORT

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee on the financial position with regard to the Housebuilding Programme. He advised that one of the Cabinet Committee's Terms of Reference was to monitor expenditure on the Housing Capital Programme Budget for the Council Housebuilding Programme, ensuring the use (within the required deadlines) of the capital receipts made available through the Council's Agreement with the Department of Communities and Local Government (DCLG), allowing the use of additional "Replacement Right to Buy (RTB) Receipts" received as a result of the Government's increase in the maximum RTB Discount to be spent on housebuilding.

The Assistant Director advised that the Schedule set out at Agenda Item 7, Appendix 1 was the current position as at 18 May 2015 with regard to the Right to Buy Receipts.

He advised that, at its meeting in March 2015, the Cabinet Committee received a suite of detailed financial reports covering all financial issues relating to the Housebuilding Programme, including the Conversion Scheme at Marden Close. Since progress was on a phase-by-phase basis and was monitored separately within the Agenda, it had been possible to consolidate the detailed financial reports into 3 appendices as set out below.

Appendix 1 captured the total amount of Replacement Right To Buy Receipts received and available for use for "One-for-One Replacement" on the Council's Housebuilding Programme, as captured on the Pooling Return to the DCLG, and when it was required to be spent. It also captured the actual expenditure to date and compared that to the projected future planned expenditure profile.

Appendix 2 set out the amount and use of financial contributions available to the Council's Housebuilding Programme from Section 106 Agreements, in lieu of the provision of on-site affordable housing on private development sites, and other sources of funding (e.g. sales of HRA land and non-RTB property, and external funding).

Appendix 3 set out the expenditure profile. This had been profiled to reflect the detailed programme that had been included elsewhere in the Agenda, which discussed the need to accelerate the house-building programme.

This information had been captured and presented for monitoring purposes. However, it was noted that, elsewhere on the Agenda, it had been reported that there was a need to accelerate the house-building programme to keep up with the rate at which the 1-4-1 receipts were accumulating, and what the Council's options were to meet this.

Decision:

- (1) That the current financial position be noted, in respect of:
 - (a) The amount of additional “Replacement Right to Buy (RTB) Receipts” for utilisation under the Government’s “one-for-one replacement” scheme that has been received; when it is required to be spent; the actual expenditure to date; and the future planned expenditure profile (Appendix 1);
 - (b) The amount and use of financial contributions available to the Council’s Housebuilding Programme from Section 106 Agreements, in lieu of the provision of on-site affordable housing on private development sites, and other sources of funding (e.g. sales of HRA land and non-RTB property, and external funding) (Appendix 2);

Reasons for Decision:

The Council’s Housebuilding Programme was a high profile, high cost activity. It was therefore essential to ensure that budgets, costs and expenditure are properly monitored, to enable corrective action to be taken at the earliest opportunity when necessary.

Other Options Considered and Rejected:

Not to have regular Financial Reports presented to the Cabinet Committee.

8. ACCELERATION OF THE HOUSEBUILDING PROGRAMME

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee on how the Housebuilding Programme could be accelerated. He advised that there were many risks outside of the Council’s control that could result in delays in house-building. Therefore, the report in the Agenda explored the options available to ensure that all 1-4-1 Receipts from Right to Buy sales are spent within the required 3 years of receipt and none are passed on to the Government, with interest. These options included purchasing street properties or land on the open market, purchasing affordable homes built on Section 106 sites and providing local authority grant(s) to one of the Council’s Preferred Housing Association Partners to fund affordable housing schemes in need of grant.

Decisions:

- (1) That the Council Housebuilding Programme be accelerated further, and that the construction periods of Phases 3 onwards be brought forward to overlap, as set out in Agenda Item 8, Appendix 1;
- (2) That the potential of not being able to spend all of the 1-4-1 receipts, despite overlapping construction phases be noted;
- (3) That, should it be identified that individual vacant market properties need to be purchased to avoid one-for-one capital receipts being passed to the Government:
 - (a) The Director of Communities be authorised to source such properties for sale, make verbal offers to purchase and make recommendations to the Housing Portfolio Holder to agree their purchase; and

(b) Approval be given to the Director of Communities to appoint, on appropriate terms, a suitable consultant / organisation to act on the Council's behalf to negotiate the purchase of such properties - including to identify properties, assess their condition, undertake financial viability assessments, make recommendations and, if approved, make offers on behalf of the Director of Communities;

(4) That, where the Council agrees to purchase affordable rented housing from developers, the Director of Communities be authorised to employ a suitable organisation as the Council's Employers Agent to act on the Council's behalf during the construction period or, alternatively, to employ a Clerk of Works (or similar) to undertake this role as appropriate; and

(5) That, subject to the Housing Portfolio Holder being satisfied that it is the most cost-effective approach, the Council appoints a legal executive for 12 months renewable for a further 12 months as a cost of around £45,000 per annum.

Recommendations to the Cabinet:

(1) That, subject to the costs being able to be met from the Council Housebuilding Capital Budget:

(a) Should it be identified by the Director of Communities that there is a risk of one-for-one replacement capital receipts having to be passed to the Government, delegated authority be granted to the Housing Portfolio Holder to authorise the purchase of individual vacant properties for sale on the open market (either existing properties or new build);

(b) Delegated authority be granted by the Cabinet Committee to authorise the Director of Communities to enter into Development Agreements with private developers, and agree terms for the purchase, for affordable rented housing required to be provided by developers in accordance with Section 106 Agreements, where an opportunity is presented that is considered suitable and appropriate; and

(c) If outline planning application is granted for development on Council-owned land held by the General Fund at Pyrles Lane, Loughton and the Cabinet subsequently decides to sell the site on the open market, the sale be subject to a requirement that the required affordable housing element (expected to be between 40-50% of the total number of properties) be sold to the Council on practical completion, on agreed terms (to be set out in a separate Development Agreement) to be approved by the Cabinet when considering the sale of the site.

Reasons for Decision:

The Cabinet Committee have decided that all useable receipts (1-4-1) that are being accumulated from the sale of Council housing through the Right to Buy are to be reinvested back into building replacement Council housing at affordable rents. The Cabinet Committee have also considered a report on financing an accelerated House-building programme so as to ensure that all 1-4-1 Receipts from Right to Buy sales are spent within the required 3 years of receipt and none are passed on to the Government, with interest.

Other Options Considered and Rejected:

Not to accelerate or extend the Programme, or to accelerate it at a different rate or to extend it for a different period.

9. FUTURE SITES - PHASES 4 AND 5

The Assistant Director (Housing, Property & Development) presented a report to the Cabinet Committee on proposals for Phases 4 and 5 of the Housebuilding Programme. He advised that the Cabinet had previously agreed a number of feasibility studies from the list of potential development sites for Council Housebuilding. The Cabinet Committee had agreed at its meeting in March 2015 a strategic approach to the prioritisation of those sites by area taking account of demand from those applicants registered on the Council's Housing Register. His report sought to batch those sites that have been agreed as viable into Phases 4 and 5, and to progress those sites through the planning and tender stages.

Decisions:

(1) That, subject to the Cabinet Committee subsequently approving the further feasibility studies at St. Peters Avenue and Queensway, Ongar and Millfield, High Ongar, taking account of the priority order agreed by the Cabinet Committee in March 2015, Phase 4 be made up of 31 new homes on the following 9 sites in Buckhurst Hill and Ongar agreed as viable by the Cabinet Committee, based on a total scheme cost of £5,836,520, with a subsidy requirement of £2,053,000:

- (a) St. Peters Avenue, Ongar – (Deferred)
- (b) Queensway, Ongar
- (c) Millfield, High Ongar
- (d) Bourne House, Buckhurst Hill
- (e) Hornbeam Close (Site A), Buckhurst Hill
- (f) Hornbeam Close (Site B), Buckhurst Hill
- (g) Hornbeam House, Buckhurst Hill
- (h) Loughton Way, Buckhurst Hill
- (i) Pentlow Way, Buckhurst Hill

(2) That, Phase 5 be made up of 49 new homes on the following 15 sites in Loughton already agreed as viable by the Cabinet Committee, based on a total scheme cost of £8,335,700, with a subsidy requirement of £2,444,000:

- (a) Bushfields, Loughton
- (b) Chester Road, Loughton
- (c) Chequers Road (Site A), Loughton
- (d) Chequers Road (site B), Loughton
- (e) Etheridge Road, Loughton
- (f) Hillyfields, Loughton
- (g) Kirby Close, Loughton
- (h) Ladyfields, Loughton
- (i) Langley Meadow, Loughton
- (j) Lower Alderton Hall Lane, Loughton
- (k) Pyrles Lane (Site A), Loughton
- (l) Pyrles Lane (Site B), Loughton
- (m) Thatchers Close, Loughton
- (n) Vere Road, Loughton
- (o) Whitehills Road, Loughton

(3) That, the former garage sites and associated amenity land listed above as making up Phases 4 and 5, together with all sites previously considered and agreed to form Phase 3 by the Cabinet Committee at its meeting in March 2015 as viable for the development of Council House Building, be appropriated for planning purposes under provisions laid out in the Local Government Act 1972 and Town and Country Planning Act 1990 on the grounds that the land is no longer required for the purposes for which it is currently held in the Housing Revenue Account; and

(4) That, subject to the sites and phasing listed in Decisions (1) and (2) above being agreed, each site be progressed to detailed design stage, with planning applications being submitted and, subject to planning approval, tenders to be sought in accordance with the Procurement Strategy for House-building.

(5) That the proposed developments in Phase 5 now become Phase 4 and the proposed developments in Phase 4 become Phase 5 due to St. Peters Avenue, Ongar being deferred for further investigations regarding the site access.

Reasons for Decision:

There is a need to agree the sites that are to go forward for future phases of the Council House-building Programme.

Other Options Considered and Rejected:

Not to progress with one or more of the schemes and develop a smaller number of sites.

10. RISK REGISTER

The Assistant Director (Housing, Property & Development) presented a report to the Cabinet Committee on the current Risk Register. He advised that Pellings LLP, who were the Employer's Agent appointed by the Council's Development Agent, East Thames, produced and kept up to date a project-wide Risk Register associated with the Council's House-building Programme.

The Assistant Director advised that it was essential that the Officer Project Team and the Cabinet Committee recorded, monitored and mitigated those risks.

Decision:

That the Programme-wide Risk Register for the Council House-building Programme be noted.

Reasons for Decisions:

The Council's Housebuilding Programme is a major undertaking, involving significant amounts of money and risks, it is essential that the Officer Project Team and the Cabinet Committee record, monitor and mitigate those risks.

Other Options Considered and Rejected:

(a) Not to have a Risk Register – but it would not be appropriate to contemplate such an option; and

(b) To request amendments to the format or content of the Programme-wide Risk Register.

11. EXCLUSION OF PUBLIC AND PRESS**Resolved:**

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

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
10	Marden Close and Phase 1 and 2 Progress Report	3

12. MARDEN CLOSE AND PHASE 1 AND 2 PROGRESS REPORT

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee on the current position with the Marden Close Improvement Scheme and Phases 1 and 2 of the Housebuilding Programme. He advised that, at the last meeting of the Cabinet Committee, Members had been made aware of some delays to Marden Close and Faversham Hall and Phase 1 of the Council Housebuilding Programme. Since the last meeting, the Marden Close and Faversham Hall scheme was now back on track and no further delays were expected.

Phase 1

The Assistant Director informed the Cabinet Committee on the current progress with Phase 1 by the contractors.

Resolved:

That a meeting of the Cabinet Committee be convened as soon as practicable to receive and consider a detailed written report on the progress construction of Phase 1.

13. INCLUSION OF PUBLIC AND PRESS**Resolved:**

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

14. MARDEN CLOSE AND PHASE 1 AND 2 PROGRESS REPORT

The Assistant Director (Housing Property & Development) presented a report to the Cabinet Committee on the current position with the Marden Close Improvement Scheme and Phases 1 and 2 of the Housebuilding Programme. He advised that, at the last meeting of the Cabinet Committee, Members had been made aware of delays to the Marden Close and Faversham Hall scheme and Phase 1 of the Council Housebuilding Programme.

Marden Close and Faversham Hall Conversion

The Contractor, P A Finlay & Co, commenced works on site on 15 September 2014 with completion due on 18 September 2015. A number of unforeseen issues had

given rise to a delay on site and an increase in the cost of the works. These included asbestos panels behind the fascia and soffit boards; missing lintels over windows; a large proportion of the brickwork requiring repointing due to its poor condition; the external concrete staircase to Faversham Hall was found to be unsupported; and adjustments required to the refuse and storage enclosures at Marden Close.

The Assistant Director reported that since the report had been published advising of a delay of up to 4 weeks, the Contractors had now rectified this scheme was now on track to complete on time, on the 18 September 2015.

Phase 1

It was the view of Pellings LLP that the works on Phase 1 are in delay by between 16 – 20 weeks.

To date, there had been no formal requests for either an extension of time or additional costs.

Phase 2

A revised planning application had been submitted for 51 new affordable homes making up Phase 2 of the Council's House-building Programme. The application was due to be considered at the Council's District Development Management Committee on 5 August 2015.

Decision:

That the current progress with regard to Marden Close and Faversham Hall, Chigwell Row, as well as Phases 1 and Phase 2 of the Council Housebuilding Programme be noted; and

Reasons for Decision:

It was a requirement that the Housebuilding Cabinet Committee received regular updates on progress and monitored expenditure against the House-building budget as delegated by the Cabinet.

Other Options Considered and Rejected:

This report is for noting only.

15. ANY OTHER BUSINESS

Members requested that the start time of the Council Housebuilding Cabinet Committee meetings now commenced at 7.00pm.

Resolved:

That all meetings of the Council Housebuilding Cabinet Committee would now commence at 7.00pm.

CHAIRMAN

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Finance and Performance Management Cabinet Committee **Date:** Thursday, 18 June 2015

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.00 - 7.45 pm

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

Other Councillors: Councillors G Mohindra and J M Whitehouse

Apologies:

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

56. Declarations of Interest

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

57. Minutes

RESOLVED:

That the minutes of the meeting held on 19 March 2015 be taken as read and signed by the Chairman as a correct record.

58. Corporate Risk Update

The Director of Resources presented a report regarding the Council's Corporate Risk Register.

The Corporate Risk Register had been considered by both the Risk Management Group on 28 May and Management Board on 3 June 2015. These reviews identified amendments to the Corporate Risk Register and also considered and scored a new risk for Housing Capital Finance. They included the following;

(a) Risk 1 - Local Plan

The Action Plan had been updated to advise the progress made implementing the new Staffing Structure, although one senior planning post remained unfilled.

(b) Risk 2 - Strategic Sites

The Effectiveness of controls/actions had been amended to advise the updated position of the key sites.

(c) Risk 3 - Welfare Reform

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The Vulnerability had been amended in accordance with the Government pledge to reduce the overall welfare bill by £12 billion.

(d) Risk 4 - Finance Income

The vulnerability had been amended to remove the possible loss of the New Homes Bonus following the outcome of General Election on 2015. A new vulnerability had been added to advise the uncertainty around the outcome of a large number of rating appeals. The Trigger had been updated to now focus on the possibility of reduced demand for services and changes in legislation. The Key Date had been amended to 20 July 2015 for the Financial Issues Paper.

(e) Risk 6 - Data / Information

The effectiveness of controls/actions shows there had been no lapses so far in 2015/16. An additional Required further management action had been added to advise of a working group, set up to eliminate duplication in data storage and the risk of any inadvertent Data Protection issues.

(f) Risk 9 - Safeguarding

The risk had been amended to reflect the progress that had been made and the two triggers centring on training and awareness had been removed. The Action Plan advises that the Council had developed policies to deal with emerging safeguarding issues. The action plan also states that these policies had been used as examples of best practice across Essex. With this progress in mind the risk score had been amended from B2 High Likelihood/Moderate Impact to C2 Medium Likelihood/Moderate Impact.

(g) New, Risk 10 - Housing Capital Finance

At this committee on 19 March 2015 Members asked for an additional risk to be considered, which the vulnerability centres on the need for the Council to spend right to buy receipts on qualifying capital schemes within set timescales. Failure to do so would result in having to pay this money back to the Government along with interest at a penalty rate. To date no funds had been lost, however continued close monitoring was required. Both the Risk Management Group and Management Board Scored the risk B2 High Likelihood/Moderate Impact.

Councillor Stallan raised concerns over the risk in relation to the North Weald Market. The Director of Resources advised that with the reduction in income the risk had reduced.

Councillor Lion commented on the transformation project and whether it should be highlighted as a risk. The Director of Resources advised that this would not be a risk at present although it could be a consideration following the budget announcements on 8 July 2015, if there was a greater need to find efficiencies. The Committee agreed that the transformation project should be kept under review.

Councillor Mohindra commented on potential rate refund increase costs of £3 million, which would need to be monitored.

Recommended:

- (1) That the Action Plan for Risk 1 – Local Plan be updated;

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- (2) That the Effectiveness of controls/actions for Risk 2 – Strategic Sites be updated;
- (3) That the vulnerability within Risk 3 – Welfare Reforms be amended;
- (4) That the Vulnerability, Trigger and Key Date for Risk 4 – Finance Income be amended;
- (5) That the additional Required further management action for Risk 6 – Data/Information be agreed;
- (6) That the Vulnerability, Trigger, Action Plan and score for Risk 9 – Safeguarding be updated;
- (7) That the new Risk, Action Plan and score for Risk 10 – Housing Capital Finance be agreed;
- (8) That the amended Corporate Risk Register be recommended to Cabinet for approval.

Reasons for Decisions:

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

Other Options Considered and Rejected:

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

59. Any Other Business

Decision:

- (1) That, as agreed by the Leader of the Council and in accordance with Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules, the following items of urgent business be considered following publication of the agenda:
 - (a) Provisional Capital Outturn 2014/15; and
 - (b) Provisional Revenue Outturn 2014/15.

60. Provisional Capital Outturn 2014/15

The Assistant Director (Accountancy) advised the Committee that the report set out the Council's capital programme for 2014/15, in terms of expenditure and financing, and compares the provisional outturn figures with the revised estimates. The revised estimates, which were based on the Capital Programme, represent those adopted by the Council in February 2015.

The Assistant Director (Accountancy) stated that the Council's total investment on capital schemes in 2014/15 was £20,114,000, compared to a revised estimate of £24,092,000. The total carry forwards requested in the General Fund totalled £2,555,000 and £1,540,000 on the HRA Capital Programmes; with the largest underspends on the General Fund relating to £1,000,000 on the St John's Road

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Development Scheme, £448,000 on the Museum redevelopment scheme and £557,000 on the Planned Maintenance Programme and on the HRA relating to £436,000 on the New House Building and Conversions and £501,000 on the Kitchen and Bathroom Replacements.

In summary, Members were requested to recommend to Cabinet the approval of the budget overspends savings, carry forwards and brought forwards. Overall, there were budget savings of £2,000 on the General Fund; £1,000 on the HRA; and £7,000 on Revenue Expenditure Financed from Capital under Statute. There were also two overspends totaling £11,000 on the General Fund. The total carry forwards requested were £2,555,000 on the General fund; £1,540,000 on the HRA capital programme; £175,000 on Capital loans and £4,000 on REFCuS respectively. Sums brought forward from 2015/16 include a total of £44,000 on the General Fund and £173,000 on the HRA. Members were also asked to approve the other amendments of £22,000 on the General Fund and £100,000 on REFCuS.

With regard to the use of direct revenue funding, the HRA contribution of £5,200,000 was in line with the revised budget. However, the use of funds from the Major Repairs Reserve was £1,199,000 lower than estimated reflecting the underspend on HRA capital schemes. The impact of this, combined with an increase in the Major Repairs Allowance transfer, was that the balance on the Major Repairs Reserve was £1,474,000 higher than expected at £11,124,000 as at 31 March 2015.

RESOLVED:

- (1) That the provisional outturn report for 2014/15 be noted;
- (2) That retrospective approval for the over and underspends in 2014/15 on certain capital schemes as identified in the report be recommended to Cabinet;
- (3) That approval for the carry forward of unspent capital estimates into 2015/16 relating to schemes on which slippage has occurred be recommended to Cabinet;
- (4) That approval for bringing forward allocations from 2015/16 in respect of a small number of capital schemes on which expenditure has been incurred ahead of schedule be recommended to Cabinet; and
- (5) That approval of the funding proposals outlined in this report in respect of the capital programme in 2014/15 be recommended to Cabinet.

Reasons for Decision:

The funding approvals requested were intended to make best use of the Council's capital resources that were available to finance the Capital Programme.

Other Options Considered and Rejected:

The Council's current policy was to use all HRA capital receipts from the sale of assets other than Right to Buy Council House sales to fund the Council's house building programme. However, Members had the option to use these capital receipts for other HRA or General Fund schemes if they chose. This option has been rejected to date because, unless HRA receipts were applied to affordable housing schemes, 50% of each receipt would be subject to pooling i.e. the council would have to pay 50% of these receipts to central government.

Another option would be to finance more of the 2014/15 HRA capital expenditure from usable capital receipts. This option was rejected because the Direct Revenue Funding (DRF) level, previously referred to as Revenue Contributions to Capital Outlay (RCCO), suggested in this report was affordable within the HRA, according to current predictions, and greater use of usable capital receipts for HRA purposes would have had the effect of reducing scarce capital resources available for the General Fund.

61. Provisional Revenue Outturn 2014/15

The Assistant Director (Accountancy) provided an overall summary of the revenue outturn for the financial year 2014/15.

The net expenditure (CSB) for 2014/15 totalled £14.547 million, which was £763,000 (5%) above the original estimate and £223,000 (1.5%) above the revised. When compared to a gross expenditure budget of approximately £74 million, the variances were restated as 1% and 0.3% respectively.

There were also improvements in the funding position as this showed an increase of £152,000 when compared to the revised position. Although the Government were reimbursing councils general funds for section 31 income, which had been higher than budgeted, the Council's share of the business rate income exceeded the baseline and a levy had become due to Central Government. There was also the requirement for the provision to cover future rating appeals which were estimated and based on the most up to date information available. The Councils portion of the Business Rates collection fund deficit at the end of March 2015 was some £419,000 which would need to be paid back over the next two years, thus adversely affecting the future funding available to the General fund.

The Continuing Services Budget expenditure was £763,000 above the original estimate and £223,000 higher than the revised. Variances had arisen on both the opening CSB and the in year figures. The opening CSB was £185,000 higher than the revised estimate and the in year figures, £38,000 higher than the revised estimate. Salaries were underpent by £109,000 and the actual salary spending for the authority in total, including agency costs, was some £20.513 million compared against an original estimate of £20.622 million. All of the underspend fell on the General Fund and was within Neighbourhoods and Governance. The HRA salaries were marginally overspent and a vacancy allowance of 1.5% was included in the budget, reducing from 2.5% allowed for in the previous year in the event vacancies were around 2%. Therefore when compared to the Revised Estimate there was a General Fund underspend of around £103,000.

The main movement between the Original estimate and the Revised and Actual position was the creation of the spend and save reserve which had moved £500,000 from the General Fund Balance into an earmarked reserve, which had been set up to fund any initial costs required to achieve on-going CSB savings. This would be the first year of operation for the fund and it would operate in a similar way to the District Development Fund (DDF), in that there would be the ability to move budgetary provision between years as necessary. There was an additional amount added to the General Fund Bad & Doubtful debts provision as a number of uncollectable debts were written off including money relating to the old non-domestic rates regime.

The original in year CSB savings figure of £870,000 became an in year savings figure of £1,089,000. There were a number of items added during 2014/15 which included; savings on the refuse contract (£144,000), additional Development Control and Pre-Application income (£120,000), additional rents from shops (£73,000) and a

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reduction in external Audit fees (£35,000). The level of savings on the waste contract fell short by £81,000 and the other three items turned out broadly as expected. Offsetting this was lost income from the market at North Weald Airfield where a further £310,000 was removed from the ongoing budget. There was concern that despite the actions taken income would fall even further and the future use of the site will need to be reviewed.

The Net DDF expenditure was expected to be £1,863,000 in the original estimate and £1,122,000 in the revised estimate but actually showed net expenditure of £249,000. This was £1,614,000 below the original and £873,000 below the revised. There were requests for carry forwards totalling £575,000, which mainly related to one-off projects that were akin to capital, in that there was regular slippage and carry forward of budgetary provision which created a net underspend of £298,000.

The DDF reduced between the Original and Revised position by some £741,000, which was mainly due to new items identified during 2014/15, such as additional housing Benefit overpayments and Council tax Benefit adjustments and grants (£326,000), additional Development Control income (£120,000), Income from shops (£78,000), slippage on the local plan budget (£91,000) and Building Maintenance (£46,000). There were a number of items contributing to the underspend of £873,000, such as additional Development Control income over and above that allowed for previously (£103,000), A further receipt relating to the Heritable investment (£100,000), Slippage relating to Building Maintenance (£123,000), Asset rationalisation (£101,000), The transformation Programme (£75,000) and NEPP redundancies (£31,000). This resulted in the overall position on the DDF balance on 31 March 2015 being just below £3.6 million.

A Deficit within the Housing Revenue Account of £807,000 and £987,000 was expected within its Original and Revised revenue budgets respectively, the actual outturn were a deficit of £397,000. There were savings on Revenue Expenditure of £488,000 when compared to the revised position and these included reduced energy charges (£61,000), a lower addition to the provision for bad & doubtful debts (£67,000) and a reduction in rents rates and taxes (£43,000). There was also substantial slippage on the enhancement fund with the balance now being £179,000. Income from Dwelling and non-dwelling rents were down by £46,000 and other charges by £47,000. The depreciation charge relating to HRA assets was £461,000 higher than expected, although the underspend showing on the row 'transfer from major repairs reserve' was related to this, so only the difference between the two of £192,000 affected the bottom line of the HRA. There was an underspend on the programme last year and therefore £67,000 was requested for carry forward into 2015/16.

The Committee felt that a three year time limit should be considered for carry forwards due to a number of historic approvals and the continuous carrying forward of the funds. Councillor Whitbread stated that perhaps officers should have to resubmit details on why they require funding and whether it was still relevant. The Committee concluded that Cabinet Members should investigate the carried forwards within their Portfolio budget areas.

Decision:

- (1) That the provisional 2014/15 revenue out-turn for the General Fund and Housing Revenue Account (HRA) be noted;
- (2) That as detailed in Appendix D, the carry forward of £575,000 District Development Fund expenditure be noted ; and

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(3) That the carry forward of £67,000 HRA Service Enhancement Fund expenditure be noted;

Reasons for Decision:

To note the provisional revenue outturn.

Other Options Considered and Rejected:

No other options available.

62. 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

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Report to the Cabinet

Report reference: C-011-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Finance

Subject: Local Council Tax Support Scheme 2016/17

Responsible Officer: Janet Twinn (01992 564215).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That Members confirm that a public consultation exercise on the 2016/17 scheme be undertaken between August and October 2015;
- (2) That the following elements of the scheme are approved for consultation purposes:
 - (a) a general principle be that the Local Council Tax Support scheme for 2016/17 should aim to be cost neutral for the Council;
 - (b) to seek views on alternative funding options for the Local Council Tax Support scheme if the scheme is not cost neutral;
 - (c) the maximum Local Council Tax Support for people of working age be reduced from 80%; and
 - (d) that a Minimum Income Floor for Self Employed Persons be set in line with other Welfare Reforms.

Executive Summary:

On 16 December 2014, Council adopted the Local Council Tax Support scheme for 2015/16. Consideration now has to be given to the scheme for the financial year 2016/17 which will require approval by full Council in December 2015.

It is necessary to undertake public consultation on the Council's scheme each year before the scheme is adopted by Council. In view of the timescales, it will be necessary for the consultation to be undertaken between August and October 2015 in order to ensure that the Authority will have consulted correctly and that Council can adopt the scheme at the December meeting.

Reasons for Proposed Decision:

The judgement given in the case of R v London Borough of Haringey on 29 October 2014, highlighted the requirement for Local Authorities to consult on their scheme annually, whether they intend to make any changes to their Local Council Tax Support scheme or not. The judgement also made clear that in their consultation, Local Authorities also needed to consult

on how the scheme is to be funded. Respondents should be given the opportunity to give their views on whether the scheme should be cost neutral, or, if not, whether the scheme should be funded by making cuts to the scheme, increasing the Council Tax, cutting other Council services, or using Council reserves. The Council's scheme must be agreed by full Council and be in place by 31 January 2016.

In view of the timescales, consultation needs to be undertaken between August and October 2015. If consultation is commenced later, it will not be possible to complete the consultation and amend the scheme in time for a further report to Cabinet on 3 December 2015.

Other Options for Action:

Cabinet could either decide not to carry out a consultation exercise for the 2016/17 Local Council Tax Support scheme, or that consultation should only be carried out on potential changes to the scheme, not the funding of the scheme. However, bearing in mind the judgement in R v London Borough of Haringey, the Council could be judicially reviewed.

Report:

Local Council Tax Support schemes for 2013/14, 2014/15 and 2015/16

1. Local Council Tax Support replaced Council Tax Benefit with effect from 1 April 2013. People of pension age continue to be protected from adverse changes as required by the Government but, for people of working age, the Council has adopted a scheme which has the following key elements:

- The calculation of support is based on 80% of the Council Tax bill, rather than 100%.
- The calculation of support is based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax Band of E, F, G, or H, has their support calculated as if their property was a band D.
- Inclusion of child maintenance in the calculation with a disregard of £15 per week (per family). This is income that is received into a household that may not be available to other households that pay the same amount of Council Tax.
- The capital limit is £6,000, so those with capital exceeding £6,000 are required to make full payment of their Council Tax liability.
- A minimum award of £0.50 per week. This is in line with the minimum award in Housing Benefit.
- The period of backdating (with good cause) is 3 months. This is in line with the time limit for pensioners.
- The Exceptional Hardship Scheme for LCTS is intended to support people whose individual circumstances mean that their Council Tax liability is causing them exceptional hardship.

2. The scheme was designed to take into account the ability to pay and the collectability of the resultant Council Tax liability. Across Essex, annual collection rates have been higher than originally anticipated, which is due partly to the caseload decreasing as the economy recovers, but also due to the proactive work that Officers have undertaken with people affected by the Local Council Tax Support scheme. In the first year of the scheme, there were relatively few complaints about the scheme itself and there was an acceptance by people affected that they needed to pay something. As the scheme was unchanged in 2014/15 and 2015/16, there has only been a minimal amount of customer contact about the scheme itself. Council Tax Officers have been pro-actively contacting people and have set up special arrangements to help people who do not receive their income on a monthly basis. The

scheme design has therefore been successful to date.

Consultation for 2016/17

3. In view of the judgement in R v London Borough of Haringey, it is clear that consultation is required whether changes are to be made to the scheme or not. However, one change that is proposed is in relation to claims where either the claimant, the partner, or the non-dependant is self-employed. The Universal Credit Regulations provide that there is a Minimum Income Floor where a person is self-employed. This means that if their declared earnings from self-employment are below the National Minimum Wage (currently £6.50 per hour, increasing to £6.70 per hour from October 2015), it is the National Minimum Wage that is used in the calculation of Universal Credit. Self-employed claims are the most difficult and time consuming to calculate as many people do not have audited accounts, and, in many cases have very few records at all. The Benefit Assessment Officers have to act as an Accountant using whatever evidence is available, but ultimately it is very difficult to verify any income and expenditure details for the self-employed. It is not uncommon for a Benefit Assessment Officer to spend up to half a day assessing just one self-employed claim. However, if our Local Council Tax Support scheme is changed to introduce the Minimum Income Floor for self-employed, the administrative burden on the Authority would be greatly reduced, and it would be aligning our scheme with other Government Welfare Reforms. Universal Credit is currently due to commence roll-out in the Epping Forest District in February 2016 and therefore it is appropriate to introduce this change to our Local Council Tax Support scheme from April 2016 to provide a consistent approach to Welfare Reform.

4. If it becomes necessary to make further cuts to the expenditure on Local Council Tax Support, it is proposed that the maximum Support payable for people of working age is reduced from 80% to a percentage that would achieve the required savings, perhaps 75% depending on the savings required. However, although collection rates have been better than expected, if the scheme is changed and people have to pay more, there will become a point at which collection rates will significantly reduce as the liability becomes too much and people stop paying altogether. Consultation will be required on this particular aspect of the scheme, together with options for alternative funding arrangements, rather than making savings through the scheme itself.

5. The Essex Authorities have continued the joint work that they have carried out to implement their schemes for the last three years. Meetings take place on a monthly basis and ECC regularly attend these meetings. Although the Police and Fire Authorities are invited, they rarely attend because ECC act as their representative and they are also sent minutes of these meetings. In this way, the requirement to consult with major precepting Authorities is met.

6. It is proposed to carry out public consultation for the 2016/17 scheme between August and October 2015. Essex County Council have previously hosted the on-line consultation for the Essex Authorities and we are discussing with them to also host the on-line consultation for 2016/17. For anyone who does not have access to the internet, the ability to respond in paper format will be made available.

Resource Implications:

The cost of consultation on the Local Council Tax Support scheme for 2016/17 will be met from existing budgets.

Legal and Governance Implications:

There is a requirement for consultation to be undertaken on the Council's Local Council Tax

Support scheme each year.

Safer, Cleaner and Greener Implications:

There are no specific implications.

Consultation Undertaken:

Consultation has been undertaken with ECC and the Fire and Police Authorities through the regular meetings with the Essex Benefit Managers. The proposed amendments and funding arrangements for the scheme will be subject to public consultation as set out in this report.

Background Papers:

Report to Council 16 December 2014

Impact Assessments:

Risk Management

A risk register was produced as part of the process for devising the Local Council Tax Support scheme. It has not been necessary to make any amendments.

Caseload growth risk

If more people become eligible to claim LCTS e.g. because of economic downturn, then the cost of the scheme will increase. However caseload has been reducing as the economy has improved.

Collection risk

The impact of the scheme is that low income working age households have to pay a proportion of their Council Tax liability. Inevitably there will be bad debts but the collection rate has been higher than anticipated. However, there will be a point where people are asked to pay more Council Tax, therefore making the liability too high for them, that they will not make any payments at all. This will need to be considered if there is a reduction to the maximum percentage.

Funding reduction risk

The LCTS component of the Local Government Finance Settlement will reduce again in 2016/17. This could lead to either making changes to the LCTS scheme to reduce expenditure or to make savings elsewhere either from Council budgets, increasing the Council Tax or using Council reserves..

Precept increase risk

LCTS costs will increase if any of the precepting Authorities increase their Council Tax.

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.

Local Council Tax Support Scheme

Background:

The Local Council Tax Support Scheme is designed to help those of working age on a low income. If any changes are to be made to the Council's existing scheme, consultation must first be undertaken.

Report:

The scheme (not the consultation) is likely to impact on families with children of school age or disabled people who are more likely to have a fixed or lower income, and claimants from ethnic minorities whose families tend to be larger.

There are just under 4000 people of working age who would be affected by changes to the current scheme. These include families with school age children, people with disabilities and people from ethnic minorities. If the level of Council Tax liability increases above affordable levels, there is a risk that people may have to leave their homes and move to cheaper properties, which may be some distance away. For children of school age this may mean they have to change schools which may cause disruption to their education; for disabled people this may mean that they are separated from their friends and families who may provide support and assistance to their daily lives; and for people from ethnic minorities who may also may be separated from their extended families. Some recipients may get into debt.

A number of measures are being taken to mitigate the potentially negative impacts of the scheme:

- Consultation will not be restricted to certain groups. Anyone will be able to respond, including local taxpayers who are not LCTS recipients, and any organisation who provides support to vulnerable people.
- Additional resources have been directed towards people affected by providing them with information about alternative housing and help with financial management;
- The scheme spreads the changes as widely as possible to reduce inequalities;
- The Exceptional Hardship Fund will assist people with the most exceptional circumstances.

Equality of opportunity is built into the system via The Exceptional Hardship Fund. Premiums for children and disabled persons are included in the calculation of entitlement, which provide some additional support to these groups.

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Report to the Cabinet

Report reference: C-012-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport

Subject: Copped Hall Conservation Area Character Appraisal

Responsible Officer: Maria Kitts (01992 564358)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) To approve the adoption and publication of the Character Appraisal for the Copped Hall Conservation Area; and**
- (2) To approve the boundary amendment to the Copped Hall Conservation Area.**

Executive Summary:

By law Local Planning Authorities are required to determine areas of special architectural or historic interest and designate them as conservation areas. The LPA should also publish proposals for the preservation and enhancement of these areas. The proposals take the form of conservation area character appraisals which chart the history of an area, the reasons for its designation, and the key elements of its special interest. Character appraisals often precede management plans as they provide the knowledge and understanding required to inform the creation of a successful and meaningful management plan.

The character appraisal for the Copped Hall Conservation Area has been prepared following due process and is now ready to be adopted and published for use by the general public (particularly residents), the major stakeholders within the area (including the Copped Hall Trust and the City of London), the Council's Development Management Section, and any other interested parties. Once adopted, the document will become a material consideration in the planning process and will inform the decisions made relating to proposed developments within the conservation area.

As part of the appraisal process the adequacy of the conservation area boundary was assessed and it is intended to extend the boundary of the Copped Hall Conservation Area.

Reasons for Proposed Decision:

Under the provisions of section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities are required to designate areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 71 of the same Act states that the Local Planning Authority has a duty to 'publish proposals for the preservation and enhancement' of their conservation areas. This takes the form of a conservation area character appraisal.

It is, therefore, a key statutory duty that these documents are published.

Other Options for Action:

If the character appraisal is not published then the Council will not be fulfilling one of its statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the lack of a character appraisal could make planning decisions within these areas more difficult to defend at appeal.

Report:

1. Work commenced on the appraisal in 2010 but, due to unforeseen and significant staffing changes, the final publication of the document has been substantially delayed. The original draft appraisal was produced in January 2011, with public consultation taking place between January and March 2011, including a public meeting on 31 January 2011. Comments and suggestions arising from the public consultation were incorporated into the document. Since this time, there have been no substantial changes to the document which would warrant full re-consultation.

2. The Forward Planning Team, along with the Conservation Officer, commissioned a Heritage Asset Review (HAR) in 2012 (completed in May 2012). The aim of the study was to review the suitability of the District's conservation areas and locally listed buildings, forming part of the evidence base for the new Local Plan. One of the recommendations arising from the HAR was to slightly extend the southern boundary of the conservation area to include land along Crown Hill. It was decided to carry this recommendation forward as it would incorporate good quality examples of estate architecture which contribute to the historic and architectural interest of the area; in addition, the extension rationalises this part of the conservation area boundary.

3. Residents of the conservation area, key stakeholders and other interested parties (including Waltham Abbey Town Council, Epping Upland Parish Council, Epping Town Council, the Copped Hall Trust, the City of London, and Epping Society) were notified of the proposed boundary amendment and invited to comment on the proposal in February 2015. The comments received were all positive and supportive of the boundary amendment.

4. A final draft has now been produced, which has not varied in content since the revisions following the 2011 public consultation, other than further information on the area to be included within the boundary and the updating of any superseded references. Key stakeholders (including the City of London and the Copped Hall Trust) were asked to confirm the factual content of the final document and correct any errors.

5. The appraisal explores the landscape setting, historical development, and architecture of the area in order to define the elements of special architectural and historic interest, and the general character of the area. These elements include:

- Its origins as a medieval hunting park and rural estate dating from the 12th century;
- Its associations with the former Abbey at Waltham Abbey and successive Tudor monarchs, nobility and gentry;
- Its development as a substantial 18th century country house mansion with extensive gardens and parkland;
- Its position within an area of ancient landscape linked to Epping Forest;
- Its development within the Purlieu of Epping Forest and the influence this has had on the estate's landscape;
- Its evolution to an impressive late Victorian/Edwardian mansion with its associated service outbuildings, model farm buildings and pleasure grounds;
- The quality and range of statutorily and locally listed buildings and other structures.
- The surviving elements and features of the designed landscape; and

- The rare survival of largely unaltered historic estate drives and network of access rights that have not been subsumed by the public highway network.

6. Following the discussion of the special interest and character of the area, the appraisal discusses opportunities for the enhancement and future protection of the area (for further information see page 45 of the background paper).

Outcomes

7. If the publication of the appraisal is approved it will result in better management of the conservation area through the preservation of its special interest and character. The appraisal will be used to inform residents and developers on acceptable works within the conservation area, and those works which could cause harm to the character of the area. It will also inform decisions made by Development Control to ensure a consistent approach to the preservation and enhancement of the area.

8. Following approval, the appraisal will be published on the Council's website and a limited number of hard copies will be available from Planning Reception at the Civic Offices. Letters will be circulated to residents of the conservation areas and any other interested parties notifying them that the appraisal has been published and is available to view on the Council's website. The appraisals will be reviewed after five years.

9. As per the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the extension to the boundary will be publicised in the local press and the London Gazette.

Resource Implications:

Some officer time will be required to administer the printing and circulation of the documents, notification letters, and publication of statutory notices as well as any arising queries from members of the public. The Assistant Conservation Officer is a fixed term post until the end of 2015-16 and, therefore, has the capacity to deal with this workload.

Legal and Governance Implications:

The statutory powers relevant to this decision are found within sections 69 and 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Safer, Cleaner and Greener Implications:

Improved understanding and protection of part of the District's historic environment.

Consultation Undertaken:

Public consultation on the content of the appraisals and management plans was undertaken in January 2011 with all comments and suggestions taken into account and, where appropriate, incorporated into the documents. This process adheres to sections 71(2) and (3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires local planning authorities to allow the contents of an appraisal and management plan to be considered by the public, and their views taken into account.

Further consultation with key stakeholders took place as part of the wider HAR in April 2012, in which, along with all the District's conservation areas and locally listed buildings, comments on the adequacy of the conservation areas were invited and considered by the appointed consultants.

An additional period of consultation was carried out in February 2015 during which time residents and interested parties were notified of the intention to extend the conservation area boundary and asked to comment.

N.B. The appraisal document contains a section on 'Community Involvement' for further information.

Background Papers:

Copped Hall Conservation Area Character Appraisal (published as a background paper for this meeting).

Impact Assessments:

Risk Management

No risks identified.

Due Regard Record

Date / Name	Summary of equality analysis
25/06/2015 Maria Kitts	<ul style="list-style-type: none">- The adoption and publication of the conservation area character appraisal will provide residents, and other interested members of the public, with information on the unique elements which contribute to the character and special interest of the area in which they live. It will also be used to inform planning decisions.- The method of providing access to the document has been identified as a potential issue, although this can be overcome.- In order to ensure this document is widely accessible to all, it will be available electronically on the EFDC website and in hard copy at the Civic Offices in Epping. A letter to each household within the conservation areas will notify residents of where and how they can view the document.- Furthering local understanding of the history and special interest of the conservation area should strengthen the residents' sense of place and feelings of community.

Report to the Cabinet

Report reference: C-013-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener, Transport

Subject: EFDC Safeguarding Strategy and Action Plan

Responsible Officer: Julie Chandler (01992 564214).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That Cabinet notes the Council's Safeguarding Strategy and Action Plan 2015 – 2018 and adopts this strategy on behalf of the Council.

Executive Summary:

All organisations that provide services for children, young people and adults with needs for care and support are now required to produce a Safeguarding Strategy and Action Plan as part of the annual self-assessment audits required by Essex Safeguarding Children and Adults Boards (ESCB and ESAB).

These strategies are developed from the findings of the audits and are designed to provide an overview of the status of safeguarding arrangements within organisations and an action plan to address areas in need of improvement.

This report therefore seeks Cabinet approval for the Council's Safeguarding Strategy and Action Plan 2015-2018.

Reasons for Proposed Decision:

The Council is required to produce a Safeguarding Strategy and Action Plan following completion of the annual self - assessment Safeguarding Audit.

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 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) introduced a set of new legislative requirements for adults 'with needs for care and support' (The term 'Vulnerable Adults' is longer used).

3. Safeguarding duties and responsibilities for tier 2 local authorities are continually increasing as new issues emerge and legislation such as the Care Act requires a range of changes in the way that Councils need to work to address duties for adults with needs for care and support. These particular changes will impact directly on the work of the Housing Services teams and potentially other services such as Finance and Benefits. As such, the Council's Safeguarding Policy which was agreed by Cabinet in March will need to be updated as and when new issues are identified, that may impact on the District.

4. The Council's new Safeguarding Strategy and Action Plan 2015 – 2018 includes the recent changes in legislation for adult safeguarding and other emerging issues relating to children and young people, and sets out a detailed action plan of how the Council can meet its duties and responsibilities. A significant number of these actions relate to maintaining best practice in safeguarding such as ensuring that staff training is refreshed and updated and that safer recruitment is applied to all roles that have direct contact with families and adults with needs for care and support. Other actions seek to address areas of the Council's work that need improvement in respect to safeguarding such as monitoring safeguarding practice amongst the Council's contractors.

5. The Safeguarding Officer has already started undertaking work to address outstanding actions arising from the assessment process and will be working with corporate colleagues to ensure that there is a 'whole Council' approach towards improvement. This includes ensuring that Elected Members are kept up to date with new and emerging issues and the level of safeguarding cases within the District.

Resource Implications:

Cabinet should refer to the report on Safeguarding Posts which is included within this agenda pack.

Legal and Governance Implications:

Section 11 Children Act legislation and the Care Act 2014.

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.

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
Cabinet Safeguarding Report March 2015

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.

Epping Forest District Council

Safeguarding Strategy

2015 - 2018

Version	1	Status	2 nd DRAFT
Implementation Date	June 2015	Review Date	June 2016
Author(s)	Julie Chandler Lynn Maidment	Policy Lead Officer	Julie Chandler

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Introduction

The Epping Forest District Council (EFDC) Safeguarding Strategy 2015 –2018 sets out how the Council plans to achieve its safeguarding agenda over the next few years. The Strategy highlights the areas that the Council will focus on and details how it will improve current safeguarding arrangements and maintain standards of effectiveness for those safeguarding standards already fully met. The Strategy also sets out key priorities for continual monitoring and improvement, details the visions and values that the Council has for safeguarding and how they will be achieved in its day to day business.

Aims of the Strategy

This strategy sits beneath the EFDC Safeguarding Policy and accompanying Procedures, which provide a framework against which staff and Members at all levels within the Council can be supported in understanding their individual and collective responsibility with regard to safeguarding.

It serves to ensure that the Council fulfils its Mission Statement which summarises its overall vision:

“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 needs for care and support are given the support they need to enjoy quality of life and well-being”.

This Mission Statement is under pinned by the following

- valuing, listening to and respecting children, young people and adults with needs for care and support as well as promoting their welfare and protection;
- ensuring safe and robust recruitment, supervision and safeguarding training for all staff working with the public;
- provision of a current and comprehensive Safeguarding Policy and related Procedure which is accessible and promoted to all staff;
- efficient and effective reporting of concerns, incidents and allegations;
- strategic planning and decision-making which considers the impact on children, young people and adults with needs for care and support.

The Strategy is relevant to all Council services, functions and contracted services working on behalf of the Council and it is designed to enhance the aims and objectives outlined in the Council's Corporate Plan and individual Directorate Business Plans. It will be implemented in line with criteria outlined in the West Essex Stay Safe Group Action Plan and those of the Essex Safeguarding Adult and Children Boards. It ensures that The Southend, Essex and Thurrock (SET) Procedures in regard to the promotion of safeguarding and inter-agency working are incorporated in every area of the Council's work.

The Strategy also compliments the priorities and objectives of other local initiatives such as the Epping Forest District Community Safety Partnership; the Police and Crime Commissioner's Police and Crime Plan; and the Clinical Commissioning Group's Health and Wellbeing Strategy.

Background

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. The Act has been regularly reviewed and updated and now the Council has a statutory duty to protect children and young people from harm, under Section 11 of the Children Act 2004. It is also required to co-operate and provide information to Essex County Council under section 47 of the Children Act, where a Child Protection investigation is conducted.

Prior to 2015, the Safeguarding of adults who were deemed 'vulnerable' was not covered by legislation, although public sector organisations did follow guidance provided by Social Care. However, from 1st April 2015, the Care Act (2014) introduced a set of new legislative requirements for adults identified with needs for care and support'. The main responsibility for the Council under this new legislation is related to self-harm or neglect, which can be identified through home visits to tenants and private homes.

Until May 2014, all of EFDC's statutory safeguarding work was carried out by officers undertaking other full time roles and this meant that relatively limited time could be allocated to the safeguarding agenda and a focus mainly on reactive and essential work. If staff had any safeguarding concerns they were required to contact Social Services and/or the Police themselves to make a formal report or seek advice and to complete the necessary referral forms.

However, with the range of new and emerging safeguarding issues and a more specific focus on the ability of district councils to fulfil their duties and responsibilities in 2103/14, the Council agreed funding for the appointment of a Safeguarding Officer and part-time Administration Assistant, to enable the Council to improve its ability to meet safeguarding requirements. These posts were agreed for a two-year period and were assigned to the Community Safety Team, within the Community Directorate.

Current performance

The Council demonstrated its commitment to the ever-increasing safeguarding agenda by adding a new Safeguarding risk to the Corporate Risk Register in 2014. This was in respect of the Council being unable to fulfil its duties and responsibilities under Section 11 and 47 of the Children Act 2004. With the introduction of the Care Act (2014) which relates to care of adults with needs for care and support, it is possible that additional risks may be identified for the Council.

Since 2014/15, it was made a requirement that all Directorate Business Plans must contain details of the Council's regard to safeguarding and the Council revised its Recruitment Policy to meet criteria outlined by the Essex Safeguarding Boards and added a Safeguarding Issues section in the PDR guidance documents to ensure that it is discussed as part of the PDR process.

Over the last three years, the Section 11 Audits that the Council has been required to complete have changed year on year and in 2014, there was an additional requirement to submit comprehensive evidence to demonstrate how the Council is carrying out its statutory obligations, both effectively and appropriately. In addition, evidence related to the various 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.

Local authorities were given a three month window to collate all of the necessary information and produce the various new documents required. These included the revision of existing policies and the creation of a range of new policies and procedures. Also, due to many changes in the safeguarding agenda both locally and nationally and the emergence of new priority issues, the Council needed to review its existing main Safeguarding Policy and Procedures as part of the audit.

The 2013/14 safeguarding audit demonstrated that the Council was only partly meeting its responsibilities; with 55% effectiveness in some areas and 'not meeting' some key requirements. However, since the establishment of the new Safeguarding posts, a wide range of work has been undertaken on child and adult safeguarding across the organisation. This, and the inclusion of safeguarding responsibilities within Job Descriptions, has significantly helped to increase the Council's ability to improve in 2014/15 with an average of 80–85% effectiveness and several areas reaching 100% compliance.

The biggest improvement was the introduction of a single point of contact for all safeguarding referrals across the Council managed by the Safeguarding Officer. The Safeguarding Team now monitors the number, frequency, quality and type of referrals that are being sent from the organisation to external agencies.

The ability to interrogate new data enables the Team to identify training requirements for Council staff. This has already led to the commissioning of tailored training to help address emerging issues such as hoarding and mental health awareness. The team leads on all safeguarding issues across the Council and provides advice and support to all staff with any concerns, whether about colleagues or local residents. The Council's main safeguarding report form was additionally revised to enable staff to provide more information to the Safeguarding Team in order to send accurate and effective referrals to external agencies.

There is now a confidential data recording and storage system maintained by the Safeguarding Team which enables a joined-up approach to safeguarding between teams to ensure issues don't get missed or 'fall through the cracks.' The data also provides statistics to the Safeguarding Lead Officers and Corporate Safeguarding Group to keep track of performance, emerging trends and help identify new training requirements.

However, there are some areas where the Council still needs to improve, especially regarding Senior Level Commitment to safeguarding. Work to address this has already taken place with the majority of the Leadership Team and Elected Members now having participated in Safeguarding Training. The Safeguarding Team has identified gaps in provision with the Council and offered solutions for improvements, as can be seen within this strategy.

The future safeguarding agenda

The Council has identified 5 key priorities that will form the main focus of its future safeguarding work. This is in addition to the tasks already identified as important by the Section 11 Audit, where the Council is not fully meeting its duties and responsibilities. However, these priorities may be increased as and when local and national themes start to emerge as needing more urgent attention.

The 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 has been launched.

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;
- recruitment and induction;
- coordination and confidential recording/storing of safeguarding referrals;
- provision of support and advice to front line staff; and
- regular reporting and discussion on new legislation and local/national safeguarding matters.

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. The main priority areas and emerging local and national themes are currently:

- Domestic Abuse
- Child Sexual Exploitation
- Honour Based Abuse including Female Genital Mutilation and Forced Marriage
- Prevent (radicalisation of vulnerable people by extremist groups and organisations)
- Human Trafficking and Modern Slavery
- Hoarding

There is already a comprehensive body of work being undertaken to address these issues and any outstanding work required is highlighted in the Safeguarding Strategy Action Plan at the end of this document.

Key Priorities

The main Council priorities are:

1. Senior Leadership Commitment

All organisations that work with children, young people and adults with needs for care and support should have a shared commitment to safeguarding and promoting their welfare and the leadership and commitment of Members and senior officers is the first priority to be achieved. District councils have a key role to play in the safety and welfare of vulnerable people, especially when they are providing services in the social environment, such as leisure and housing. Support at a senior and executive level is essential to champion this cause and build in the structures, systems and resources to achieve this.

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. Members also have a role in scrutinising services, including cross-cutting reviews of services which impact upon children, young people and adults with needs for care and support.

EFDC senior management commitment to safeguarding is demonstrated by the appointment of designated safeguarding officers from within the existing workforce. These 'champions' have a sound working knowledge of the safeguarding agenda and ensure:

- effective communications with staff
- training needs are identified and met
- working relationships are promoted
- managers are held accountable for the contribution of their services to safeguarding and promoting the wellbeing of children, young people and adults with needs for care and support.

2. Safe Recruitment

All employers must undertake appropriate checks for employees working with children, young people and adults with needs for care and support. It is an offence 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.

3. Learning, Development and Education

The successful implementation and embedding of a safeguarding policy is dependent on the level of understanding and recognition of the importance of safeguarding by all staff and members. This enables staff to have a clear understanding of the impact that safeguarding will have in their work. Frontline staff come into contact with vulnerable people in many ways, including reception staff, housing and benefit staff, leisure staff, parks and maintenance staff, repairs teams etc. By putting arrangements in place and ensuring all staff are aware of them, staff will know what action to take if they have concerns about the safety and welfare of vulnerable people.

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. Member training is a vital element of their leadership role as they need to understand the impact of the development of policies and plans which could adversely affect the safety and welfare of vulnerable people in the district.

4. Partnership Working and Information Sharing (internal and external)

The Council works with a variety of different organisations to ensure an effective safeguarding service is provided to vulnerable people including other public and statutory agencies, voluntary and private sector organisations. Local authorities have the lead role in co-ordinating work to safeguard children and adults with needs for care and support but this can only be implemented successfully through multi-agency and multi-disciplinary working. The Council’s Safeguarding Policy and Procedures explain the significant importance that information sharing has in providing a successful safeguarding service.

5. Early Help and Intervention

As community champions, district councils are ideally placed to have first-hand knowledge of the real safeguarding issues that vulnerable people face within their community. They can act as an advocate ensuring that the safeguarding of these groups is given a high priority both within their own organisation and within the broader partnership arrangements.

While other agencies such as health, schools and social care may come into contact with vulnerable people on a more regular basis, council staff can and do make a significant and valuable contribution in terms of providing a broader awareness of a vulnerable person’s welfare. Housing and environmental health staff in particular may be privy to understanding social and living environments which may have a direct impact on a vulnerable person’s safety and welfare that other professionals may not see. All relevant frontline Council staff should be aware of, and make reference to, the Essex threshold document which determines the best response to a child and family where any additional needs are identified. Staff should also be aware of Essex County Council’s Family Operations Hub which offers assistance to determine the most appropriate referral mechanism.

Summary of Key Priorities

<p>Senior Leadership Commitment</p>	<ul style="list-style-type: none"> • Review of the findings of the Rotherham Report to adopt learning and recommendations from mistakes and issues raised. • Ensure that Senior Management and Elected Members have safeguarding training, in order to develop a ‘top-down, bottom-up’ approach to safeguarding across the Council. • Ensure that leadership ‘buy-in’ of the safeguarding agenda is promoted throughout the organisation eg. ensure safeguarding is included in all Directorate Business Plans.
<p>Safe Recruitment</p>	<ul style="list-style-type: none"> • Ensure that unsuitable people are prevented from working with vulnerable people through the use of the Council’s Recruitment and Induction Procedures. • Risk Assess all job descriptions to identify which roles are likely to involve regular substantial unsupervised contact with children and adults with needs for care and support. • Where relevant, carry out checks with the Disclosure and Barring Service (DBS) for new employees. • Promote safe procedures for recruitment, appointment and induction of all staff and volunteers working for the Council. • Ensure all contractors provide copies of satisfactory recruitment policies and procedures, and where they do not have these, a commitment to ‘buy in’ to the Council’s own policies.

<p>Learning, Development and Education</p>	<ul style="list-style-type: none"> • Provide safeguarding training to all Council staff appropriate to their roles to ensure they understand their responsibilities with regard to safeguarding. • Develop the range and availability of specialist and tailored training for staff, with levels provided according to staff contact with the public. Include 'e' learning and higher level training provided by external partners. • Review and develop existing initiatives provided by the Council such as Crucial Crew and Reality Roadshow, in order to address emerging safeguarding issues for children and young people living in the district. • Raise safeguarding awareness in all forms of licenced services eg. taxi drivers, fast food outlets, hotels, pubs, clubs etc. for both children and young people (potential Child Sexual Exploitation) and the elderly (in respect of financial abuse and exploitation).
<p>Partnership Working and Information Sharing</p>	<ul style="list-style-type: none"> • Build trust and behaviours that support strong partnership working across all Council directorates and external agencies. • Participate in further joined up working with County and other local forums as appropriate. • Work to improve internal staff communication in respect of issues that often interlink, such as noise nuisance, ASB, benefit fraud, domestic abuse and child protection. • Develop staff confidence to refer safeguarding concerns to the Safeguarding Team, whether or not these are deemed necessary to refer to Social Care. • Improve the quality of information sharing both internally and externally.
<p>Early Help and Intervention</p>	<ul style="list-style-type: none"> • Work together to support safeguarding through the effective implementation of early intervention and prevention strategies eg. ensure relevant staff made aware of Effective Support for Children and Families in Essex Guide and familiarise themselves with the Threshold Levels for referrals. • Promote staff vigilance in respect of the Councils' role within early intervention, in order to identify safeguarding issues early on, whether by phone contact with a member of the public, or where staff meet people face to face. • Ensure that the Council addresses new issues such as self-neglect and hoarding, which needs careful intervention by staff to prevent escalation of problems. • Ensure all relevant staff are familiar with the Family Operations Hub and how it can help with referrals. • Provide Council-wide awareness of the new Care Act (2014), launched in April 2015.

Partnership working and links to the local community

Safeguarding and promoting the welfare of children, young people and adults in need of care and support does not lie solely with one agency but is the product of effective joint working between agencies and professionals that have different roles and expertise. Epping Forest District Council works in conjunction with a number of different organisations in order to meet its statutory obligations and many of these partnership objectives overlap.

Therefore the EFDC Safeguarding Strategy has been written to take account of a number of different safeguarding drivers that the Council must take into consideration.

Some partnerships which have a direct bearing on the Strategy are:

- Epping Forest District Community Safety Partnership: a multi-agency platform responsible for delivering local strategic priorities to make the district safer.
- MARAC (Multi-Agency Risk Assessment Conference): forum for agencies working to improve support to high risk victims of domestic abuse.
- Anti-Social Behaviour Co-ordinating Group: multi-agency meeting to discuss ASB cases in the district which also deals with hate crime.
- West Essex Domestic Abuse Forum: multi-agency partnership to disseminate good practice and information.
- West Essex Stay Safe Group: responsible for developing an action plan to improve safeguarding practice across the West area of the district and for considering actions to address emerging issues.
- Essex District, Borough and City Council Local Authority Leads Group: responsible to Essex Safeguarding Children and Adults Boards, with a remit to coordinate effective working across Essex and sharing of best practice across the safeguarding agenda.

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 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 in need of care and support.

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) was made a statutory agency with similar responsibilities to the ESCB after the introduction of The Care Act (2014) in April 2015. It is a forum for agreeing how the different services and professional groups should cooperate to safeguard adults with needs for care and support across Essex.

The SET Procedures

These are the multi-agency child and adult protection guidelines for Southend, Essex and Thurrock which reflect all relevant law, regulation, statutory and non-statutory Government guidance and best practice. The Procedures have been adopted by the Safeguarding Boards of Southend, Essex and Thurrock and all member agencies of these Boards must work to these guidelines and make respective changes in their organisations to implement them. They are also applicable to all those who work with children, young people and adults in need of care and support in these three areas, whether in a paid or unpaid capacity.

Partnerships within the Council

Although it is essential for the Council to work with external partners and stakeholders within the district, it is equally important to adopt a joined-up approach to working within the Council. It is not uncommon for some households who are experiencing complex issues to come into contact with a number of different Council teams at the same time unbeknown to each other. Information therefore needs to be shared following government guidelines so that appropriate interventions can be used and referrals made to the correct external agencies.

Managing the Strategy

The evolving nature of the national safeguarding agenda, alongside the local agenda, dictates that the Safeguarding Strategy will need to be revisited and reviewed annually by the Safeguarding Lead Officer. The impact of these agendas will be re-evaluated at appropriate stages and emergent issues considered and addressed.

On-going monitoring is carried out as part of the Council's commitment to robust safeguarding by the Corporate Safeguarding Group. This consists of representatives from each Directorate, who have responsibility for ensuring that all colleagues across the Council are aware of safeguarding policy and procedures. It is also a forum for sharing best practice, disseminating information across the directorates and identifying any weaknesses in the Council's work.

The Council will be required to participate in the next Section 11 Audit to meet the criteria set out by the Essex Safeguarding Boards and will need to have demonstrated improvement in those areas which didn't fully comply in 2014/15.

Other monitoring mechanisms include:

- Direct engagement with Essex Safeguarding Boards and sub groups.
- Monthly provision of referral statistics to the Safeguarding Leads.
- Recording and monitoring of staff training at different levels.
- Reporting to the Council's Senior Management Team and Leadership Team on specific issues.
- Learning from Special Case Reviews/Domestic Homicide Reviews.

Safeguarding Strategy Action Plan

The Safeguarding Strategy will be delivered by the Safeguarding Strategy Action Plan (see Appendix One).

The objectives have been identified as a result of the 2014-2015 Section 11 Audit and the Safeguarding Team's on-going evaluation of Council services.

The Action Plan also takes account of emerging local and national themes disseminated via local strategic partnerships.

Appendix One: EFDC Safeguarding Strategy Action Plan 2015-2018

Key Priority One: Senior Leadership Commitment				
Objective	Tasks	Staff	Deadline	Resources/Comment
Review the findings of the Rotherham Report to adopt learning and recommendations from mistakes and issues raised.	<ul style="list-style-type: none"> Evaluate the report and identify issues that are relevant to EFDC. Brief relevant teams affected on report eg. Licencing Officers; Environmental Health; Housing; Community Development Team. Attend relevant workshops and briefings held by external partners such as the Safeguarding Boards. Provide relevant Child Sexual Exploitation Awareness training for specific teams affected by the issues raised eg. Licencing and Environmental Health. 	<ul style="list-style-type: none"> - LM/CW/JC - CW/JC - LM/CW/JC - LM/CB/JD 	<ul style="list-style-type: none"> - End June 2015 - End July 2015 - On-going 	CSE Training Course (external provider).
Ensure that Senior Management and Elected Members have safeguarding training.	<ul style="list-style-type: none"> Liaise with the Members Support Officer to book training sessions for Members. Liaise with Exec. Assist to Chief Exec. To get list of Leadership Team members who have not had safeguarding training. 	<ul style="list-style-type: none"> - LM/KP - LM/MS 	<ul style="list-style-type: none"> - On-going - On-going 	
Ensure leadership 'buy-in' of the safeguarding agenda is promoted throughout the organisation.	<ul style="list-style-type: none"> Promote safeguarding structure and areas of responsibility throughout EFDC via face to face team briefings; tailored training sessions; PR campaigns eg. article in District Lines, group emails and report to Management Board. 	<ul style="list-style-type: none"> - LM/CB/PD 	<ul style="list-style-type: none"> - On-going throughout year 	

Key Priority Two: Safe Recruitment				
Objective	Tasks	Staff	Deadline	Resources/Comment
Ensure unsuitable people are prevented from working at EFDC through the use of the Council's Recruitment/Induction Procedures.	<ul style="list-style-type: none"> Ensure Job Descriptions contain appropriate safeguarding sections or copy. Liaise with the Essex HR Partnership to ensure kept informed of new trends and best practice. Utilise sample questions at interviews to test interviewees suitability for roles that have direct contact with the public Fulfil Safer Recruitment guidelines by insisting on last employer references 	<ul style="list-style-type: none"> - HR/Managers - HR 	<ul style="list-style-type: none"> - On-going - On-going 	
Risk Assess all job descriptions to identify which roles are likely to involve regular substantial unsupervised contact with children and adults with needs for care and support.	<ul style="list-style-type: none"> Maintain database and carry out regular reviews. 	<ul style="list-style-type: none"> - HR/Managers 	<ul style="list-style-type: none"> - On-going 	
Where relevant, carry out checks with the Disclosure and Barring Service (DBS) for new employees.	<ul style="list-style-type: none"> Liaise with Managers responsible for hiring new staff to determine whether a DBS check is required. Maintain database to ensure checks are carried out in a timely manner and that reviews undertaken for each post that meets the 'Regulated Activity' criteria. 	<ul style="list-style-type: none"> - HR/Managers - HR 	<ul style="list-style-type: none"> - On-going - On-going 	
Promote safe procedures for recruitment, appointment and induction of all staff and volunteers working for the Council.	<ul style="list-style-type: none"> Operate quality monitoring systems to ensure all practices continue to meet Safeguarding Board requirements (Section 11 Audit) and any revised legislation. Liaise with the Learning and Development Manager to ensure all relevant staff get appropriate induction paperwork and safeguarding training for their level. 	<ul style="list-style-type: none"> - HR - LM/JD 	<ul style="list-style-type: none"> - On-going - On-going 	
Ensure all contractors provide copies of satisfactory recruitment policies and procedures, and where they do not	<ul style="list-style-type: none"> Identify all EFDC staff who have responsibility for commissioning contracted services and/or monitoring contracts. Undertake a 'mapping' exercise to identify all relevant contractors. 	<ul style="list-style-type: none"> - LM/CB - LM/CB 	<ul style="list-style-type: none"> - July '15 	

have these, a commitment to 'buy in' to the Council's own policies.	• Contact each organisation to ask to see their policy and evaluate.	- LM	Sept '15	
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Key Priority Three: Learning, Development and Education

Objective	Tasks	Staff	Deadline	Resources/Comment
Provide safeguarding training to all Council staff appropriate to their roles to ensure they understand their responsibilities with regard to safeguarding.	<ul style="list-style-type: none"> • EFDC Managers to identify appropriate staff via the PDR Process. • Safeguarding Officer to liaise with Learning and Development Manager to ensure the provision of appropriate training courses with suitable trainers. • Carry out short, tailored versions of the Integrated Training Course for specific teams within EFDC. 	<ul style="list-style-type: none"> - JD/Managers - LM/JD - LM/PA/CB 	- On-going	
Develop the range and availability of specialist and tailored training for staff, with levels provided according to staff contact with the public. Include 'e' learning and higher level training provided by external partners.	<ul style="list-style-type: none"> • Monitor the Safeguarding Board websites and briefing notes for new training courses. • Keep apprised of training courses advertised by National Organisations such as Amnesty International. • Discuss specialist training requirements with relevant managers when new and/or emerging issues arise eg. Rotherham report and Child Sexual Exploitation. 	<ul style="list-style-type: none"> - LM - LM - LM 	- On-going	
Review and develop existing initiatives provided by the Council such as Crucial Crew and Reality Roadshow, in order to address emerging safeguarding issues for children and young people living in the district.	<ul style="list-style-type: none"> • Evaluate sessions provided and if they meet the needs of emerging issues. 	- GW/CW/LM	- On-going	
Raise safeguarding awareness in all forms of licenced services eg. taxi drivers, hotels, for both children and young people (Child Sexual Exploitation) and the elderly (in respect of financial abuse and exploitation).	<ul style="list-style-type: none"> • Identify staff who need specific training. • Provide relevant Child Sexual Exploitation Awareness training for specific teams affected by the issues raised eg. Licencing and Environmental Health. • Source e-learning for staff on financial abuse and exploitation via national websites. 	<ul style="list-style-type: none"> - LM/CW/GW - LM/CW/GW - LM/CB/JD 	<ul style="list-style-type: none"> - Sept '15 - Sept '15 - ASAP 	

Key Priority Four: Partnership Working and Information Sharing

Objective	Tasks	Staff	Deadline	Resources/Comment
Build trust and behaviours that support strong partnership working across all Council directorates and external agencies.	<ul style="list-style-type: none"> • Safeguarding Officer and/or Safeguarding Administration Assistant to attend team briefings to discuss safeguarding issues and answer questions on policy and procedures. 	- LM/CB	- On-going	
Participate in further joined up working with County and other local forums as appropriate.	<ul style="list-style-type: none"> • Identify appropriate forums and nominate staff to attend on behalf of EFDC eg. Hoarding Protocol Meetings. 	- JC/CW	- On-going	
Work to improve internal staff communication in respect of issues that often interlink, such as noise nuisance, ASB, benefit fraud, domestic abuse	<ul style="list-style-type: none"> • Devise internal protocols/information sharing agreements between teams to ensure appropriate partnership working takes place. 	- CW/LM	- July '15	

and child protection.				
Develop staff confidence to refer safeguarding concerns to the Safeguarding Team, whether or not necessary to refer to Social Care.	<ul style="list-style-type: none"> • Ensure Safeguarding Policies and Procedures kept up to date and uploaded onto the Intranet. • Safeguarding Officer and/or Safeguarding Administration Assistant to attend team briefings to discuss safeguarding issues and answer questions on policy and procedures. 	- LM/CB - LM/CB	- On-going	
Improve the quality of information sharing both internally and externally.	<ul style="list-style-type: none"> • Promote the Government Information sharing publications and upload onto the Intranet. • Safeguarding Officer and/or Safeguarding Administration Assistant to attend team briefings to answer questions on information sharing. 	- LM/CB - LM/CB	- On-going - On-going	

Key Priority Five: Early Help and Intervention				
Objective	Tasks	Staff	Deadline	Resources/Comment
Work together to support safeguarding through the effective implementation of early intervention and prevention strategies.	<ul style="list-style-type: none"> • Ongoing training and support for all staff who have direct contact with the public • Corporate representatives on Safeguarding Group to disseminate information and updates via team meetings within their directorates • Raise awareness of Essex County Council's Threshold Levels to ensure appropriate referrals • Ensure signposting information is available to all staff eg. Family Solutions, Family Mosaic, Safer Places 	- LM/CB - Corporate Safeguarding Group - LM/CB - LM/CB L	- ongoing	
Promote staff vigilance in respect of the Councils' role within early intervention, in order to identify safeguarding issues early on, whether by phone contact with a member of the public, or where staff meet people face to face.	<ul style="list-style-type: none"> • Ensure that all staff working with children, young people and adults with needs for care and support are confident in identifying potential safeguarding issues amongst service users and addressing these needs via signposting or referral • Ensure that staff working in the Council's Sheltered Housing Schemes and Norway House receive higher level training in order for them to be able to act expediently in safeguarding cases 	- LM/CB - - - LM/DP/RW?	- Ongoing ongoing	
Ensure that the Council addresses new issues such as self-neglect and hoarding, which needs careful intervention by staff to prevent escalation of problems.	<ul style="list-style-type: none"> • All new safeguarding issues to be addressed via review of current policies and procedures and development of guidelines for staff where appropriate 	- LM/CW & corporate colleagues	As issues arise	
Ensure all relevant staff are familiar with the Family Operations Hub and how it can help with referrals.	<ul style="list-style-type: none"> • Promote the service via email and ensure up to date documentation added to the Safeguarding folder on the Intranet. 	- LM/CB/CW	- On-going	
Provide Council-wide awareness of the new Care Act (2014), launched in April 2015.	<ul style="list-style-type: none"> • Briefing paper to be produced, which highlights the key implications of the Care Act for the Council. This to be circulated via corporate representatives 	- LM/CW	July '15	

Staff Key:

LM = Lynn Maidment – Safeguarding Officer; CB = Claire Baccarini – Safeguarding Administration Assistant; JC = Julie Chandler – Assistant Director, Community Services and Safety; CW = Caroline Wiggins – Community Safety Manager; PA = Patrick Arnold – Community Safety Officer; JD = Julie Dixon – Learning & Development Manager; Gill Wallis – Community Health and Wellbeing Manager; KP = Kim Partridge – Member Support Officer; MS = Mary Syme – Executive Assistant to the Chief Executive.

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Report to the Cabinet

Report reference: C-014-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport

Subject: The Epping Forest District Council Prevent Policy

Responsible Officer: Julie Chandler (01992 564214).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1)) That Cabinet notes the contents of the Epping Forest District Council Prevent Policy, attached as an Appendix, which has been developed as part of the new requirements for District, City and Borough Councils and adopts the policy on behalf of the Council.

Executive Summary:

All Councils are now required to produce and adopt a Prevent Policy and related Action Plan as part of their duties in respect of safeguarding children, young people and vulnerable people from harm. This is in response to the current level of threat from Terrorism and Extremism in the United Kingdom, which is severe, and can involve the exploitation of vulnerable people, including children, in order to involve them in extremist activity.

Early intervention is at the heart of Prevent in diverting people away from being drawn into terrorist activity. Prevent happens before any criminal activity takes place. It is about recognising, supporting and protecting people who might be susceptible to radicalisation.

This Policy is therefore intended to provide guidance on the national Prevent agenda and how the Council will implement it locally. It sets out the Council's local obligations, proposed actions, statutory duties and responsibilities, which include a priority to support vulnerable individuals in our local communities to help reduce the threat from radicalisation, terrorism and violent extremism.

Prevent is also a key part of the CONTEST strategy, led by the Home Office, which is the Government's national counter terrorism strategy. CONTEST aims to reduce the risk to the United Kingdom and its interests overseas from international terrorism, so that people can go about their lives freely and with confidence.

The Prevent Policy applies to all staff employed within the Council, either directly or indirectly, Council Members and to any other person or organisation that uses the Council's premises for any purpose.

Cabinet is therefore asked to note the contents of the Prevent Policy and agree adoption of the policy on behalf of the Council.

Reasons for Proposed Decision:

Section 26 of the Counter Terrorism and Security Act 2015 seeks to place a duty on specified authorities (listed in Schedule 6 to the Act) and says it must 'in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism'. In complying with the duty, all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body.

With wide ranging responsibilities and democratic accountability to their electorate, local authorities are vital to Prevent work. Effective local authorities will be working with their local partners to protect the public, prevent crime and to promote strong, integrated communities.

The risk of terrorism and radicalisation will vary greatly and can change rapidly; no area, institution or body is therefore risk free. Whilst the type and scale of activity that will address the risk will vary, all specified authorities will need to give due consideration to it.

Other Options for Action:

None

Report:

1. All Councils are now required to produce and adopt a Prevent Policy and related Action Plan as part of their duties in respect of safeguarding children, young people and vulnerable people from harm. This is in response to the current level of threat from Terrorism and Extremism in the United Kingdom, which is severe, and can involve the exploitation of vulnerable people, including children in order to involve them in extremist activity.
2. Prevent work depends on effective partnerships. To demonstrate effective compliance with the duty, authorities must therefore demonstrate evidence of productive co-operation, in particular with local Prevent co-ordinators, the police and local authorities, and co-ordination through existing multi-agency forums. For the Epping Forest District, the Community Safety Partnership (CSP) has been identified as the appropriate forum to lead on Prevent work and will make arrangements to effectively monitor the impact of this work.
3. It should be stressed that there is no expectation that the Council or Community Safety Partnership will take on a surveillance or enforcement role as a result of Prevent. Rather, they must work together and with partner organisations to contribute to the prevention of terrorism by safeguarding and protecting vulnerable individuals and making safety a shared endeavour.
4. In complying with the duty, district councils should demonstrate an awareness and understanding of the risk of radicalisation in their area. This includes using the existing counter-terrorism local profiles (CTLPs) produced for every region by the police, to begin to assess the risk of individuals being drawn into terrorism. This should include both violent and non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.
5. Local authorities are expected to incorporate the duty into existing policies and procedures, so it becomes part of the day-to-day work of the authority. Therefore, this duty has been incorporated into the Epping Forest District Council's Safeguarding Children, Young People and Adult Policy to ensure there are clear and robust safeguarding policies to identify children and vulnerable adults at risk. A copy of the Prevent Policy is attached as an Appendix.
6. We are additionally expected to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views. This

includes considering whether IT equipment available to the general public should use filtering solutions that limit access to terrorist and extremist material. It is also expected that the Council will ensure that organisations who work with us on Prevent are not engaged in any extremist activity or support extremist views.

7. A county-wide 'Channel Panel' provides a Multi-Agency process, which provides support to those who may be vulnerable to being drawn into terrorism. Representatives from Epping Forest District Council are required to attend Channel Panel Meetings where any individuals referred are linked to the district. Channel uses existing collaboration between partners to support individuals and protect them from being drawn into terrorism. Examples of support provided could include mentoring, diversionary activities such as sport, signposting to mainstream services such as education, employment or housing. The Channel process can access the use of an 'intervention provider'. This is Home Office funded and uses those on an approved list to work with individuals around their individual ideologies.

8. All frontline staff and Council Members are therefore required to have a good understanding of Prevent in order to respond to vulnerable individuals who are in danger of being radicalised and being drawn into terrorism. They should understand what radicalisation means and why people may be vulnerable to it and what is meant by the term 'extremism' and the relationship between extremism and terrorism.

9. Staff, as well as Council Members also need to know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extremist ideology that can be associated with it. They need to understand how to obtain support for people who may be being exploited by radicalising influences.

10. The Council's Safeguarding Team will therefore organise training for relevant staff to Raise Awareness of Prevent (WRAP) that will be rolled out as part of the overall Safeguard Training Programme.

Resource Implications:

The main financial consideration around the Prevent agenda will be to provide additional training that is required for staff. The Council has been notified that it will receive a one-off payment from the Office for Security and Counter Terrorism of £10,000 to implement the Prevent Duty.

Legal and Governance Implications:

Section 26 of the Counter Terrorism and Security Act 2015 seeks to place a duty on specified authorities (listed in Schedule 6 to the Act) and says it must 'in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.' In complying with the duty all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body.

Safer, Cleaner and Greener Implications:

Epping Forest District Council has a duty to ensure safe environments where extremists are unable to operate. In complying with the duty, district councils should demonstrate an awareness and understanding of the risk of radicalisation in their area. This includes using the existing counter-terrorism local profiles (CTLPs) produced for every region by the police, to begin to assess the risk of individuals being drawn into terrorism.

Consultation Undertaken:

The Council is represented on the Essex Prevent Strategy Board by the Community Safety

Manager. The aim of the Board is to set the overall partnership policy and strategy for Prevent in Essex and consultation has taken place at this forum with all District, City and Borough Councils in Essex.

Background Papers:

Epping Forest District Council Prevent Policy, as included with this report.

Risk Management:

As stated, the Council should use the existing counter-terrorism local profiles (CTLPs) produced for every region by the police, to begin to assess the risk of individuals being drawn into terrorism. This should include both violent and non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Local authorities are expected to incorporate the duty into existing policies and procedures, so it becomes part of the day-to-day work of the authority.

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 Prevent agenda aims to work specifically with vulnerable people. This is through the Channel Panel which is a Multi-Agency process, which provides support to those who may be vulnerable to being drawn into terrorism. Representatives from Epping Forest District Council are required to attend Channel Panel Meetings where any individuals referred, are linked to the district. Channel uses existing collaboration between partners to support individuals and protect them from being drawn into terrorism. Examples of support provided could include mentoring, diversionary activities such as sport, signposting to mainstream services such as education, employment or housing.

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Epping Forest District Council Prevent Policy

June 2015

Version	2	Status	FINAL
Implementation Date	June 2015	Review Date	June 2016
Author	Caroline Wiggins	Procedure Lead Officer	Caroline Wiggins

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Introduction

The current threat from Terrorism and Extremism in the United Kingdom is real and severe and can involve the exploitation of vulnerable people, including children in order to involve them in extremist activity.

This Policy is intended to provide guidance on the national Prevent agenda and how the Council will implement it locally. It sets out the Council's local obligations, proposed actions, statutory duties and responsibilities.

Supporting vulnerable individuals and reducing the threat from violent extremism in local communities is a priority for statutory organisations and their partners.

Scope

The Prevent Policy applies to all staff employed within the organisation, either directly or indirectly, and to any other person or organisation that uses the Council's premises for any purpose.

Preventing someone from becoming a terrorist or supporting terrorism has much in common with safeguarding vulnerable individuals from other forms of exploitation.

Government Counter Terrorism Strategy (CONTEST)

The Government's national counter terrorism strategy, called CONTEST, aims to reduce the risk to the United Kingdom and its interests overseas from international terrorism, so that people can go about their lives freely and with confidence. These forms of terrorism include:

- Far Right extremists
- AL-Qaida influenced groups
- Environmental extremists
- Animal Rights extremists
- Faith-based influenced groups

CONTEST is organised around four work streams, each with a number of key objectives:

- **Pursue:** to stop terrorist attacks in this country and against our interests overseas. This means detecting and investigating threats at the earliest possible stage, disrupting terrorist activity before it can endanger the public and, wherever possible, prosecuting those responsible.
- **Protect:** to strengthen our protection against a terrorist attack in the UK or against our interests overseas and so reduce our vulnerability. Government priorities are informed by an annual National Risk Assessment which assesses the vulnerabilities we have and the threats we face.
- **Prepare:** to mitigate the impact of a terrorist attack where that attack cannot be stopped. This includes work to bring a terrorist attack to an end and to increase the country's resilience so we can recover from its aftermath. An effective and efficient response will save lives, reduce harm and aid recovery.
- **Prevent:** to stop people becoming terrorists or supporting terrorism. The Government believes it is not possible to resolve the threats we face simply by arresting and prosecuting more people. This is the view of our key allies around the world and Prevent needs to be an international effort as much as other parts of the counter-terrorism strategy.

Definitions

Adult safeguarding: Working with adults (a person over the age of 18 years) with needs for care and support to keep them safe from abuse or neglect. Safeguarding is aimed at people with needs for care and support who may be in vulnerable circumstances and at risk of abuse or neglect.

Children: A child is defined in the Children Act 1989 as anyone who has not yet reached their 18th birthday.

Terrorism: Is defined in the Terrorism Act 2000 (TACT 2000) as ‘an action that endangers or causes serious violence to a person or people or causes serious damage to property or seriously interferes or disrupts an electronic system’. The use of threat must be designed to influence the government or to intimidate the public and is made for the purpose of political, religious or ideological gain.

Radicalisation: Defined as the process by which people come to support terrorism and extremism and, in some cases, to then participate in terrorist groups.

Extremism: Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas” (*HM Government Prevent Strategy 2011*).

A Prevent Concern: Does not have to be proven beyond reasonable doubt, but it should be based on something that raises concern which is assessed using existing professional judgement from staff.

Vulnerability and Prevent: A person who is susceptible to extremists’ messages and is at risk of being drawn in to terrorism or supporting terrorism at a point in time.

Channel Panel: Channel is a Multi-Agency process which provides support to those who may be vulnerable to being drawn into terrorism. Channel uses existing collaboration between partners to support individuals and protect them from being drawn into terrorism.

Prevent

Prevent is a key part of the CONTEST strategy, led by the Home Office. Its aim is to stop people becoming terrorists or supporting terrorism by working with individuals and communities who may be vulnerable to the threat of violent extremism and terrorism.

Early intervention is at the heart of Prevent in diverting people away from being drawn into terrorist activity. Prevent happens before any criminal activity takes place. It is about recognising, supporting and protecting people who might be susceptible to radicalisation.

Prevent Strategy

The National Prevent Strategy was explicitly changed in 2011 to deal with all forms of terrorism and target not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. It also made clear that preventing people becoming terrorists or supporting terrorism requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups.

The Strategy also aims to stop people moving from extremist (albeit legal) groups into terrorist-related activity. In carrying out this duty, the specified authorities must have regard to guidance issued by the Secretary of State.

The key objectives of the Prevent Strategy:

- To respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- To prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- To work with sectors and institutions where there are risks of radicalisation that we need to address.

Terrorist groups often draw on extremist ideology, developed by extremist organisations; some people who join terrorist groups have previously been members of extremist organisations and have been radicalised by them. Prevent work is intended to deal with all kinds of terrorist threats to the UK. The most significant of these threats is currently from IS terrorist organisations in Syria and Iraq. But terrorists associated with the extreme right also pose a continued threat to our safety and security.

Islamist extremists regard Western intervention in Muslim-majority countries as a 'war with Islam', creating a narrative of 'them' and 'us'. Their ideology includes the uncompromising belief that people cannot be both Muslim and British, and that Muslims living here should not participate in our democracy. Islamist extremists specifically attack the principles of civic participation and social cohesion. These extremists purport to identify grievances to which terrorist organisations then claim to have a solution.

The white supremacist ideology of extreme right-wing groups has also provided both the inspiration and justification for people who have committed extreme right-wing terrorist acts.

Local Authority responsibilities

With wide ranging responsibilities and democratic accountability to their electorate, local authorities are vital to Prevent work. Effective local authorities will be working with their local partners to protect the public, prevent crime and to promote strong, integrated communities.

Section 26 of the Counter Terrorism and Security Act 2015 seeks to place a duty on specified authorities including the Council (listed in Schedule 6 to the Act) and says it must 'in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.' In complying with the duty all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body.

This risk will vary greatly and can change rapidly; no area, institution or body is risk free. Whilst the type and scale of activity that will address the risk will vary, all specified authorities will need to give due consideration to it.

Partnership working

Prevent work depends on effective partnerships. To demonstrate effective compliance with the duty, specified authorities must demonstrate evidence of productive co-operation, in particular with Police Prevent co-ordinators, other police personnel and local authorities, and co-ordination through existing multi-agency forums. For the Epping Forest District, The Community Safety Partnership (CSP) has been identified as the appropriate forum and arrangements are in place to effectively monitor the impact of Prevent work.

It should be stressed that there is no expectation that the Council will take on a surveillance or enforcement role as a result of Prevent. Rather, it must work with partner organisations to contribute to the prevention of terrorism by safeguarding and protecting vulnerable individuals and making safety a shared endeavour. The Prevent Lead will engage with the CSP and other partners with responsibility to share concerns raised within the organisation including the Channel Panels.

Risk Assessment

In complying with the duty, the district councils should demonstrate an awareness and understanding of the risk of radicalisation in their area.

Council Officers will use the existing counter-terrorism local profiles (CTLPs) produced for every region by the police, to begin to assess the risk of individuals being drawn into terrorism. This should include both violent and non-violent extremism which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Local authorities are expected to incorporate the duty into existing policies and procedures, so it becomes part of the day-to-day work of the authority.

Therefore, this duty has been incorporated into the Epping Forest District Council's Safeguarding Children, Young People and Adult Policy to ensure there are clear and robust safeguarding policies to identify children and vulnerable adults at risk.

Training

Local authorities are expected to ensure that frontline staff have a good understanding of Prevent in order to respond to vulnerable individuals who are in danger of being radicalised and being drawn into terrorism.

Frontline staff who engage with the public, should understand what radicalisation means and why people may be vulnerable to it. They need to be aware of what is meant by the term 'extremism' and the relationship between extremism and terrorism.

Staff need to know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extremist ideology that can be associated with it. They need to understand how to obtain support for people who may be being exploited by radicalising influences.

The Council's Safeguarding Team organise training of relevant staff through Workshops to Raise Awareness of Prevent (WRAP) that will be rolled out as part of the overall Safeguard Training Programme to relevant staff.

Use of local authority resources

In complying with the duty, local authorities are expected to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.

This includes considering whether IT equipment available to the general public should use filtering solutions that limit access to terrorist and extremist material. The Council does have a number of public access points supported by the Council's ICT Team.

It is also expected that organisations which work with the Council and the CSPon Prevent are not engaged in any extremist activity or espouse extremist views.

Essex Prevent Board

The Council is represented on the Essex Prevent Strategy Board by the Community Safety Manager. The meeting is chaired by the Essex County Council Safeguarding lead. The aim of the Board is to set the overall partnership policy and strategy for Prevent in Essex.

Channel Panel

Channel is a Multi-Agency process, which provides support to those who may be vulnerable to being drawn into terrorism. Representatives from the council are required to attend Channel Panel Meetings where any individuals referred, are linked to the district. Channel uses existing collaboration between partners to support individuals and protect them from being drawn into terrorism.

Examples of support provided could include mentoring, diversionary activities such as sport, signposting to mainstream services such as education, employment or housing. The Channel process can access the use of an 'intervention provider'.

This is Home Office funded and uses those on an approved list to work with individuals around their individual ideologies.

The Channel Co-ordinator will:

- Conduct an initial review of the information received to ensure the referral meets the necessary threshold.
- Contact partners through previously established Single Points of Contact to access further information.
- For individuals under 18, liaise with the local social care officer in Children and Young People's Services.
- Undertake a continuous risk assessment process.

Safeguarding children and Multi-Agency Public Protection Arrangements (MAPPA)

In some cases it may not be appropriate for an individual to continue through the Channel process because they are involved in a different statutory mechanism such as 'MAPPA' or child protection arrangements.

Channel is not intended to replace those referral systems; in such cases, ownership will rest with the relevant statutory support mechanism which may work alongside the Channel process if appropriate.

Channel Strategy Meeting

This meeting will be convened only when needed and will include involvement of a wider range of partners such as housing and education. It will be chaired by a County Safeguarding Manager from Essex County Council and supported by the Channel Co-ordinator. If the consensus is that support is required, an appropriate support package will be set out in an action plan. At appropriate intervals the case will be reviewed, once the risk has been successfully reduced or managed the panel will recommend that the case is closed.

Designated Roles in the Council

All organisations should have an awareness of the Prevent agenda, the various forms radicalisation takes and be able to recognise signs and indicators of concern and respond appropriately. Radicalisation is a process not an event, and there is no single route or pathway to radicalisation. Evidence indicates that those targeted by radicalisers may have doubts about what they are doing. It is because of this doubt that frontline staff need to have mechanisms and interventions in place to support an individual being exploited and to help them move away from terrorist activity.

As an organisation, The council has a duty to ensure safe environments where extremists are unable to operate. It is essential, therefore, that all staff know how they can support vulnerable individuals who they feel may be at risk of becoming a terrorist or supporting extremism.

Where appropriate the Council's Management Board receives reports on Prevent-related matters.

Members

The Safer, Greener and Transport Portfolio Holder has responsibility for Prevent. It is the responsibility of all members to report any concerns to the Council's Prevent Lead or any member of Management Board.

Raising Prevent Concerns

Prevent is an on-going initiative and is designed to become part of the everyday safeguarding routine for staff. However, some officers within the Council have specific functions with regard to Prevent'. They work to ensure the Council fulfils its statutory requirements and ensures that all relevant issues are dealt with appropriately:

Safeguarding Lead Professional - Alan Hall - Director of Communities

Tel: 01992 564004 Email: ahall@eppingforestdc.gov.uk

Has Board-level leadership and responsibility for Prevent and overall accountability for safeguarding children, young people and adults with needs for care and support.

Prevent Lead - Caroline Wiggins - Community Safety Manager

Tel: 01992 564122 Email: cwiggins@eppingforestdc.gov.uk

Is the Council's Lead for Prevent who works in partnership with Safeguarding colleagues across the organisation.

Staff Procedure

Where there is an identified or potential risk that a child, young person or adults with needs for care and support may be involved or potentially involved in supporting or following extremism; may be at risk of being drawn into terrorism; has begun to express radical extremist views; or may be vulnerable to grooming or exploitation by others.

- Staff should discuss, where possible, their concerns with their line manager or supervisor prior to referral.
- Staff should contact the SPOC who will manage such enquiries with support from Safeguarding colleagues. All reports referred should clearly identify the precise nature of the concern.
- Once the Safeguarding Team receives a concern, they will consider whether a situation may be so serious that an emergency response is required.
- If the SPOC or member of the Safeguarding Team determines that a safeguarding referral needs to be made, it will be done in accordance with local inter-agency safeguarding procedures.
- Further investigation by the police will be required, prior to other assessments and interventions.

Although it is expected that staff will use their professional judgement to identify whether an emergency situation applies, when there is information that a violent act is imminent, or where weapons/other materials may be in the possession of a vulnerable person, another member of their family or within the community a 999 call should be made.

- The SPOC or member of the Safeguarding Team will ensure that there is appropriate feedback to the member of staff raising the concern. They will advise on appropriate support for staff and the vulnerable individual.

For more information about the Council's Safeguarding Procedures, staff should refer to the Safeguarding Children, Young People and Adults Policy and accompanying Procedures which are on the Intranet, along with the Safeguarding Report Form which should be used to raise a concern.

National Terrorist Hotline

Members and Staff can use the National Terrorist Hotline if they are concerned about suspicious behaviour in their neighbourhood or have information they believe may help the police.

You do not have to give your name and all information received via the hotline is confidential. Information that might seem insignificant on its own could prove vital in a wider investigation.

Suspicious behaviour could include people coming and going at strange times of day or night, someone taking an interest in security such as CCTV cameras without good reason, using false documents or simply behaving differently to how you've known them to behave in the past.

Staff and Members can also report terrorist material on the web via the direct.gov.uk Website details for both are in the Useful contacts and websites section of the Policy.

Escalating concerns in relation to employees

Although there are relatively few instances of staff in an organisation radicalising others or being drawn into extremist acts, it is necessary to be aware of the risk and have processes in place to manage any concerns e.g. disciplinary action. This is covered by the Council's disciplinary procedures and could result in the employees dismissal.

Where an employee expresses views, brings material into the organisation, uses or directs others to extremist websites or acts in other ways to promote terrorism, the organisation will look to use non-safeguarding processes in order to address the concerns.

Where a staff member has a concern about a colleague, this should be raised with their line manager. The line manager will discuss the concerns with the organisation's Assistant Director Human Resources who will liaise with the Prevent Lead in the first instance. The Prevent Lead will assess and manage any related safeguarding risks and, where appropriate, the Police Prevent Lead will be contacted. The Human Resources Assistant Director will lead on advising the line manager in relation to the disciplinary process, should this be appropriate. The Prevent Lead will represent the organisation on Local Prevent Steering Groups and inter-agency meetings.

Sharing information

The Prevent programme must not involve any covert activity against people or communities. But specified authorities may need to share personal information to ensure, for example, that a person at risk of radicalisation is given appropriate support (for example on the Channel programme). Information sharing must be assessed on a case-by-case basis and is governed by legislation. Staff should use the guide outlined in the Council's Safeguarding Children, Young People and Adult Policy.

The Internet and Prevent

Vulnerable individuals may be exploited in many ways by radicalisers and this could be through direct face to face contact, or indirectly through the internet, social networking or other media. Access to extremist material is often through leaflets and local contacts. However, the internet plays an important role in the communication of extremist views. It provides a platform for extremists to promote their cause and encourage debate through websites, internet forums and social networking. It is a swift and effective mechanism for disseminating propaganda material and is not always possible to regulate.

Staff should be aware of anyone making frequent visits to websites showing images such as armed conflict around the world and providing speeches and access to material from those involved in the radicalising process.

Provision of an Action Plan

With the support of co-ordinators and others as necessary, any local authority that assesses, through the multi-agency group, that there is a risk, is expected to develop a Prevent Action Plan. This will enable the local authority to comply with the duty and address whatever risks have been identified.

These local action plans will identify, prioritise and facilitate delivery of projects, activities or specific interventions to reduce the risk of people being drawn into terrorism in each local authority. Projects could include faith institutions, and local schools.

For the EFDC Prevent Action Plan, see **Appendix Three**.

Useful contacts and websites

Essex Police

Tel: 101 and ask for the Prevent Team

National Anti-Terrorist Hotline

0800 789 321

Reporting Terrorist Material on the web

www.direct.gov.uk/reportingonlineterrorism

APPENDIX ONE

Risk Factors and Prompt Questions for Reporting a Prevent Concern

Access to extremism/extremist influences

- Is there reason to believe that the person associates with those known to be involved in extremism - either because they associate directly with known individuals or because they frequent key locations where these individuals are known to operate? (e.g. the person is the partner, spouse, friend or family member of someone believed to be linked with extremist activity).
- Does the person frequent, or is there evidence to suggest that they are accessing the internet for the purpose of extremist activity? (e.g. use of closed network groups, access to or distribution of extremist material, contact associates covertly via Skype/email etc.).
- Is there reason to believe that the vulnerable person has been, or is likely to be, involved with extremist/military training camps/ locations?
- Is the vulnerable person known to have possessed, or is actively seeking to possess and/or distribute, extremist literature/other media material likely to incite racial/religious hatred or acts of violence?
- Does the vulnerable person sympathise with, or support illegal/illicit groups e.g. propaganda distribution, fundraising and attendance at meetings?
- Does the vulnerable person support groups with links to extremist activity but not illegal/illicit e.g. propaganda distribution, fundraising and attendance at meetings?

Experiences, Behaviours and Influences

- Has the vulnerable person encountered peer, social, family or faith group rejection?
- Is there evidence of extremist ideological, political or religious influence on the vulnerable person from within or outside UK?
- Have international events in areas of conflict and civil unrest had a personal impact on the vulnerable person resulting in a noticeable change in behaviour?
- It is important to recognise that many people may be emotionally affected by what is happening in areas of conflict (i.e. images of children dying); it is important to differentiate those affected, from those that sympathise with or support extremist activity.
- Has there been a significant shift in the vulnerable person's behaviour or outward appearance that suggests a new social/political or religious influence?
- Has the vulnerable person come into conflict with family over religious beliefs/lifestyle/dress choices?
- Does the vulnerable person vocally support terrorist attacks; either verbally or in their written work?
- Has the vulnerable person witnessed or been the perpetrator/victim of racial or religious hate crime or sectarianism?

Travel

- Is there a pattern of regular or extended travel within the UK, with other evidence to suggest this is for purposes of extremist training or activity?
- Has the vulnerable person travelled for extended periods of time to international locations known to be associated with extremism?
- Has the vulnerable person employed any methods to disguise their true identity or used documents or cover to support this?

Social Factors

- Does the vulnerable person have experience of poverty, disadvantage, discrimination or social exclusion?
- Does the vulnerable person experience a lack of meaningful employment appropriate to their skills?
- Does the vulnerable person display a lack of affinity or understanding for others, or social isolation from peer groups?
- Does the vulnerable person demonstrate identity conflict and confusion normally associated with youth development?
- Does the vulnerable person have any learning difficulties/mental health support needs?
- Does the vulnerable person demonstrate a simplistic or flawed understanding of religion or politics?
- Does the vulnerable person have a history of crime, including episodes in prison?
- Is the vulnerable person a foreign national, refugee or awaiting a decision on their immigration/ national status?
- Does the vulnerable person have insecure, conflicted or absent family relationships?
- Has the vulnerable person experienced any trauma in their lives, particularly any trauma associated with war or sectarian conflict?
- Is there evidence that a significant adult or other person in the vulnerable person's life has extremist view or sympathies?

More critical risk factors could include:

- Being in contact with extremist recruiters.
- Articulating support for extremist causes or leaders.
- Accessing extremist websites, especially those with a social networking element.
- Possessing extremist literature.
- Using extremist narratives and a global ideology to explain personal disadvantage.
- Justifying the use of violence to solve societal issues.
- Joining extremist organisations.
- Significant changes to appearance and/or behaviour.

APPENDIX TWO

Understanding and Recognising Risks of Radicalisation Principles

The Government document, 'Working Together to Safeguard Children (2010)' identifies exposure to, or involvement with, groups or individuals who condone violence as a means to a political end as a particular risk for some children. All children and young people's partnerships should have an agreed process in place for safeguarding vulnerable individuals. Local Safeguarding Children Boards (LSCBs) and local authorities should ensure they are informed of the particular risks in their area.

Children and young people can be drawn into violence or they can be exposed to the messages of extremist groups by many means. These can include through the influence of family members or friends and/or direct contact with extremist groups and organisations or, increasingly, through the internet. This can put a young person at risk of being drawn into criminal activity and has the potential to cause **significant harm**. Children and young people are vulnerable to exposure to, or involvement with, groups or individuals who advocate violence as a means to a political or ideological end. Examples of extremist causes that have used violence to achieve their ends include animal rights, the far right, internal terrorist and international terrorist organisations.

Most individuals, even those who hold radical views, do not become involved in extremism. Numerous factors can contribute to and influence the range of behaviours that are defined as extremism. It is important to consider these factors in order to develop an understanding of the issue. It is also necessary to understand those factors that build resilience and protect individuals from engaging in violent extremist activity. Safeguarding children and young people from radicalisation is no different from safeguarding them from other forms of harm.

Indicators for vulnerability to radicalisation may be:

- family tensions
- sense of isolation
- migration
- distance from cultural heritage
- experience of racism or discrimination
- feeling of failure etc.

Those in the process of being radicalised may become involved with a new group of friends, search for answers to questions about identity, faith and belonging; possess extremist literature or advocate violent actions, change their behaviour and language; seek to recruit others to an extremist ideology. It is important to note that children and young people experiencing these situations or displaying these behaviours are not necessarily showing signs of being radicalised. There could be many other reasons for the behaviour including the fact that those staff are already familiar with issues such as alcohol or drug abuse, family breakdown, domestic abuse, bullying or even something more minor.

It is important to be cautious in assessing these factors to avoid inappropriately labelling or stigmatising individuals because they possess a characteristic or fit a specific profile. It is vital that all professionals who have contact with vulnerable individuals are able to recognise those vulnerabilities and help to increase safe choices.

The risk of radicalisation is the product of a number of factors and identifying this risk requires that staff exercise their professional judgement, seeking further advice as necessary. It may be combined with other vulnerabilities or may be the only risk identified. Some children may be at risk due to living with or being in direct contact with known extremists. Such children may be identified by the police or through Multi Agency Public Protection Arrangements (MAPPA) processes.

The accepted view is that a complex relationship between the various aspects of an individual's identity determines their vulnerability to extremism. Over-simplified assessments based upon demographics and poverty indicators have consistently been demonstrated to increase victimisation, fail to identify vulnerabilities and, in some cases, increase the ability of extremists to exploit, operate and recruit.

There is no such thing as a 'typical extremist' and those involved in extremism come from a range of backgrounds and experiences. The following indicators have been provided to support professionals to understand and identify factors that may suggest a child, young person or their family may be vulnerable or involved with extremism.

The following are examples of indicators that *may* suggest vulnerability to violent extremism:

- **Expressed opinions** – such as support for violence and terrorism or the values of extremist organisations.
- **Material** – possession of extremist literature; attempts to access extremist websites and associated password-protected chat rooms; possession of material regarding weapons, explosives or military training.
- **Personal history** – claims or evidence of involvement in organisations voicing violent extremist ideology or attendance at military/terrorist training.
- **Personal/identity crisis/behaviour and behaviour changes** – family tensions; sense of isolation; adolescence; low self-esteem; disassociating from existing friendship group and becoming involved with a new and different group of friends; searching for answers to questions about identity, faith and belonging. Distance from cultural/religious heritage; uncomfortable with their place in the society around them. Withdrawal from family and peers; hostility towards former associates and family; association with prescribed organisations and those that hold extremist views.
- **Personal circumstances** – migration; local community tensions; events affecting country or region of origin; alienation from UK values; having a sense of grievance that is triggered by personal experience of racism or discrimination or aspects of Government policy.
- **Unmet aspirations** – perceptions of injustice; feeling of failure; rejection of civic life.
- **Criminality** – experiences of imprisonment; poor resettlement/reintegration, previous involvement with criminal groups.

Indicators of concern

Indicators that staff may observe or identify regarding individuals behaviour or actions may include:

- Graffiti symbols, writing or artwork promoting violent extremist messages or images.
- Vulnerable adults/staff accessing violent extremist material on line, including social networking sites.
- Parental/family reports of changes in behaviour, friendships or action and requests for assistance.
- Vulnerable adults voicing opinions drawn from violent extremist ideologies and narratives.
- Use of extremist or hate terms to exclude others or incite violence.
- Harmful influences on vulnerable individuals from staff, colleagues, volunteers, parents, spouse, family members, friends, external groups.

- Inappropriate use of the internet on the organisation's premises.
- External groups using the organisation's premises for meetings distributing violent extremist materials.

Recognise - staff working with a child, young person or adult could be the person to recognise that there has been a change in the individual's behaviour that may suggest they are vulnerable to violent extremism.

Understand - staff should speak to colleagues and/or their partners to better understand the concerns raised by the behaviours observed to decide whether intervention and support is needed. In over 95% of cases there will be an explanation for the behaviours that either requires no further action or a referral not related to radicalisation or extremism.

Refer - in the small number of cases where staff still has concerns that the individual may be vulnerable to violent extremism, advice about whether to refer the case should be sought via the Safeguarding Team and/or the Safeguarding Children, Young People and Adult Procedures ie. complete a Safeguarding Report Form and send it via email to the Safeguarding email address.

APPENDIX THREE

Epping Forest District Council – Prevent Action Plan

	Objective	Action	Timescale	Outcomes	Lead
1	National Tasking: Speakers Addressing the concern that as extreme speakers are pushed out of London they will try to use locations within the district.	<ul style="list-style-type: none"> Ensure that locations/organisations are given the right advice. Provide a briefing note for Parish and Town Councils. 	End Oct 2015	All relevant staff made aware of the potential issues.	CW
2	Local Tasking: Internal training and awareness To conduct WRAP training with front line staff to ensure that they understand, and can identify, any extremism. Promote the Prevent agenda.	<ul style="list-style-type: none"> Identify target audiences and organise a number of training sessions. Agree level and content of training. Provide a briefing on the Prevent Agenda for the 'District Lines' staff magazine. 	End Oct 2015	<ul style="list-style-type: none"> Programmed training and workshops for EFDC staff. Greater awareness of, and more effective ability to deliver, the Prevent agenda. 	CW
3	Local Tasking: To safeguard vulnerable children, young people and adults	Ensure that anyone working in safeguarding activity and services has had relevant training.	End Sept 2015	All relevant staff made aware of the potential issues.	CW
4	Local Tasking: Education Young people.	Conduct awareness training with EFDC Youth Council.	End Sept 2015	Every Youth Councillor received appropriate training.	GW/ CW
5	Local Tasking: Education Members.	Raise awareness of Prevent with Members and provide a briefing note for the Members Bulletin.	End Oct 2015	All Members received appropriate training.	CW
6	Local Tasking: Counter Terrorism Local Profile (CTLP)	Deliver, in conjunction with Essex Police, an annual CTLP and to act on recommendations.	August 2015	A CTLP has been developed and kept updated.	CW

Report to the Cabinet

Report reference: C-015-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Safer, Greener and Transport

Subject: Safeguarding Staffing Resources

Responsible Officer: Julie Chandler (01992 564214).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That the significant improvements that the Council has made to its safeguarding arrangements over the last year, since the appointment of the 1,5FTE Safeguarding posts be noted;

(2) That the ongoing work required to maintain and further improve safeguarding arrangements, systems and practices across the Council to minimise the risks to the Council, including confidential data recording also be noted; and

(3) That a £ £49,610 Continuing Services Budget growth bid be made for 2016/17 to enable the existing 1.5FTE Safeguarding Posts to be made permanent on the Council's establishment.

Executive Summary:

This report explains the statutory requirements of the Council relating to the safeguarding of children, young people and older people (with needs for care and support) from harm, and the significant amount of work undertaken by the 1.5FTE safeguarding posts approved by the Cabinet in May 2014 for an initial period of two years, to reduce and minimise the risks to the Council, officers, Members and clients.

It explains the amount of ongoing and additional work required to continue to reduce and mitigate these risks and, accordingly, proposes that a Continuing Services Budget Growth Bid be considered as part of the 2016/17 budget to make these posts permanent.

Reasons for Proposed Decision:

Safeguarding children, young people and adults with needs for care and support is an ever increasing agenda, with new issues emerging all the time. This places a much greater responsibility and pressure on councils to respond to these and existing safeguarding issues efficiently and effectively.

The 2014/15 Essex Safeguarding Children and Adults Boards audits identified a range of areas that the Council still needs to improve upon, including ensuring that all contractors that the Council works with have adequate safeguarding policies and training for their staff. This type of work requires ongoing maintenance and review and takes a substantial amount of time to complete and therefore cannot feasibly be undertaken by other staff in the organisation.

Other Options for Action:

(i) To end the fixed term contract for the Safeguarding Officer and Part-time Administration Assistant posts in April 2016. However, this would result in the Council being unable to fulfil its safeguarding responsibilities to the level required by the Safeguarding Boards.

(ii) To increase the dedicated staffing resources for safeguarding – but it is considered that the current 1.5FTE posts are generally sufficient, supplemented by work undertaken by the Assistant Director (Community Services and Safety) and Community Safety Manager when required.

Report:

1. Since the Children Act was introduced in 1989, safeguarding children and young people from harm has been a legislative requirement for all public and voluntary sector organisations. Following the high profile death of Victoria Climbié in 2004, the subsequent Lord Laming Inquiry identified a whole range of recommendations for all agencies working with children and families, which resulted in a revised Children Act of 2004, which continues to be the legislation followed today. Under Sections 11 and 47 of this Act, the Council has a **statutory duty** to protect children and young people from harm and is also required to co-operate and provide information to Essex County Council in cases where a Child Protection investigation is conducted.

2. Until April 2015, there was no legislation to protect vulnerable adults from harm, but local authorities in Essex followed general guidance provided by the County Council. However, the Care Act 2014 became legislation in April this year and set out a range of new safeguarding requirements for adults identified 'with needs for care and support'. The term 'vulnerable adults' is no longer used.

3. Under this new legislation, local authorities have duties related to self-harm or neglect and for those authorities with their own housing stock, like Epping Forest District Council, this can be a particular issue that is identified by Housing and Environmental Services. For example, some people that hoard can be causing self-harm or neglect, but each case has to be treated individually and proof of lack of mental capacity or need for support must be evidenced before social care will intervene. Hoarding can be a lifestyle choice and therefore, as long as a person has capacity to look after themselves and they are not causing conditions that are detrimental to their own or others health, they can continue to live like this.

4. Safeguarding legislation is relevant to all council services and functions and additionally, all contractors with whom the Council works and has contracts. There is therefore a need for a 'whole council' approach to safeguarding and this becomes more evident as new and complex issues emerge.

5. The Louise Casey Review of the Rotherham Child Sexual Exploitation Case, where over 1,400 young people were sexually exploited, highlighted significant weaknesses and negligence across Licensing services, Environmental Health and other areas of the Council, and included involvement of Elected Members in the exploitation. This Case has led to several changes in legislation, which in future could see individuals (officers and/or members) criminally prosecuted for not fulfilling their safeguarding duties. The workload for local authorities is therefore continually expanding in terms of the level of work to be undertaken and responsibility.

6. Until May 2014, all safeguarding work undertaken by the Council was carried out by officers with other full time roles and this meant that relatively limited time could be allocated

to the safeguarding agenda, with a focus mainly on reactive and essential work. If staff across the organisation had any safeguarding concerns they were required to contact Social Services and/or the Police themselves to make a formal report or seek advice, and they were required to complete the necessary referral forms and paperwork

7. However, with the range of new and emerging safeguarding issues and a more specific focus on the ability of district councils to fulfil their duties and responsibilities, in 2013/14, the Council agreed funding for the appointment of a Safeguarding Officer and part-time Administration Assistant on a fixed-term two year basis, to enable the Council to improve its ability to meet safeguarding requirements. These posts were assigned to the Community Safety Team, within the Communities Directorate.

8. The Council's decision to provide District Development Fund funding to appoint the Safeguarding posts in May 2014 has indeed significantly helped the Council to improve its ability to meet existing and new safeguarding requirements. Over the last year, the range of work undertaken by the 'Safeguarding Team' (which has been supported by the Community Safety Manager and Assistant Director Community Services and Safety), has been extensive. New arrangements for dealing with safeguarding concerns and referrals have been implemented, with a 'single point of contact' providing much needed support and direction for staff across the organisation. A new and efficient data base has also been set up for recording safeguarding concerns, which now holds all confidential safeguarding data in one place.

9. The Safeguarding Team now also monitors the number, frequency, quality and type of referrals that are being sent from the Council to external agencies and over the last year alone, over 90 safeguarding referrals were made to the Safeguarding Team to review, record and refer where appropriate. These ranged from children suffering neglect and abuse at the hands of their parents, to older people being abused by their carers and family. (Evidence suggests that there are only a percentage of the total number of safeguarding incidents that are identified and reported, with the majority being undetected and this especially relates to Domestic Violence, which statistics suggest, affects 1 in 4 people).

10. Other examples of work undertaken by the Safeguarding Officer and Assistant since they have been in post include;

- production of a new and updated Safeguarding Policy and Procedures for the Council and awareness raising of these amongst staff;
- production of a Safeguarding Strategy and Action Plan.
- cross referencing of safeguarding concerns across the Council;
- production of new policies for Domestic Abuse, Child Sexual Exploitation and Prevent;
- development of 'Toolbox Talks' which are specific training sessions for council staff that visit people's homes to undertake repairs and improvements;
- production of a new safeguarding training package for Elected Members;
- safeguarding training for the senior management of the Council; and
- development of enhanced working relationships with local partners in safeguarding matters.

In addition, several pieces of work that have been 'fitted in' around priority tasks, include entering retrospective safeguarding case details onto the new database system and collation of information regarding staff training and these continue to be ongoing.

11. The priority of assessing and processing safeguarding concerns raised by staff continues to be the priority for the safeguarding team, and with 90 referrals of varying complexities received from May 2014 to May 2015, this can be quite a time consuming task.

As is the need for cross referencing of data held in various areas of the council, which can be related to anti-social behaviour, noise pollution and benefit fraud, as this can have a direct link to safeguarding.

12. With the increase in major safeguarding issues such as Child Sexual Exploitation, Domestic Violence and Human Slavery and the number of high profile cases that are being uncovered, local authorities are under increasing pressures to tackle these issues at a local level. Thus, District, Borough and City Councils across the country are increasing their safeguarding resources accordingly.

13. It is also necessary to implement the Safeguarding Action Plan, reported elsewhere on this Cabinet Agenda.

14. It is therefore strongly recommended that a CSB Growth Bid be made for the 2016/17 budget cycle to make the existing Safeguarding Officer and Part-time Administration Assistant posts permanent, to ensure that the new systems for safeguarding referral and reporting are maintained, and to enable the new Safeguarding Strategy and associated Action Plan to be implemented.

Resource Implications:

Safeguarding Officer and P/T Administration Posts at Grade 7 and 4 respectively, including on-costs and travel £49,610.

Legal and Governance Implications:

The Council has a statutory duty to protect children and young people from harm, under Section 11 of the Children Act 2004. It is also required to co-operate and provide information to Essex County Council under section 47 of the Children Act, where a Child Protection investigation is conducted.

Under the Care Act 2014, The Council has new responsibilities relating to self-harm and self-neglect, which can be identified through home visits to tenants and private homes.

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.

Consultation Undertaken:

None.

Background Papers:

Safeguarding Strategy and Action Plan.

Risk Management:

Safeguarding is included within the Council's Risk Management Framework, in respect of the Council being unable to fulfil its responsibilities and the risk of a child, young person or adult suffering significant harm.

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 subject of this report does not impact on the Equality Act 2010.

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Report to the Cabinet



**Epping Forest
District Council**

Report reference: **C-~~nnn~~016-
2015/16**

Date of meeting: **23 July 2015**

Portfolio: **Safer, Greener and Transport**

Subject: **District CCTV Provision – Strategic Direction**

Responsible Officer: **Julie Chandler (01992 564214).**

Democratic Services: **Gary Woodhall (01992 564470).**

Recommendations/Decisions Required:

(1) That, in view of the need to increase capital and revenue budget provision to renew/replace existing CCTV systems coming to the end of their useable life and to properly repair and maintain existing and planned additional CCTV systems, the Cabinet considers whether or not, in principle, it wishes to continue to provide and invest in CCTV for the future; and

(2) That, if the Cabinet determines that it does wish to continue to provide and invest in CCTV, the Director of Communities formulates a fully-costed CCTV Strategy and Funding Plan, based on the anticipated future costs and proposed new installations, for consideration by the Cabinet at a future meeting, in advance of the budget cycle to enable the increased costs to be incorporated within future budgets.

Executive Summary:

Responsibility for the Council's CCTV systems was transferred to the Community Safety Team in 2008 as part of the Safer, Cleaner, Greener Review.

Since the transfer seven years ago, many new CCTV systems have been requested by Directorates and installed across the District, in an attempt to deter crime and to enable identification and prosecution of perpetrators. This has resulted in 480 cameras now being active in the district.

The maintenance budget for CCTV has not increased in this time and where cameras have required maintenance or repair, the additional budget required has been found from ad-hoc sources. However, with the number of cameras now in situ, and the pressure on finding budget savings across the Council, this is no longer a viable option. Added to this, each CCTV camera has a lifespan of approximately 5 – 7 years and there are now more cameras requiring complete replacement.

It is evidenced that CCTV is certainly a deterrent to crime and with systems such as the Council's, which is well managed and maintained, CCTV footage is frequently utilised by the Police, resulting in many perpetrators of crime being brought to justice. The Council is also able to charge for footage supplied to insurance companies in cases, for example, of damage to vehicles whilst parked in Council car parks. Areas of surveillance where it has been particularly useful include Night Time Economy crime and several cases of financial abuse of elderly people living in the District.

This report therefore asks the Cabinet to consider whether or not it wishes to continue to

provide and invest in CCTV for the future and proposes that, if it does, the Director of Communities formulates a fully-costed CCTV Strategy and Funding Plan, based on the anticipated future costs and proposed new installations, for consideration by the Cabinet at a future meeting.

Reasons for Proposed Decision:

The level of CCTV coverage requested by Directorates for key locations in the district has increased significantly over the last few years, but the budget held by Community Safety has not increased in line with this. The regular maintenance work undertaken under contract has helped keep the costs of repair to a minimum over the last few years, but the budget is now unable to accommodate the levels of expenditure required for continued growth, ongoing maintenance, equipment repairs and replacement.

Other Options for Action:

A decision could be taken to not to increase the current CCTV budget and to phase out respective systems as they fail. However, this would leave these areas of the district without CCTV coverage and therefore a lack of detection in the case of vandalism or crime.

Report:

1. Responsibility for CCTV transferred to the Community Safety Team as part of the Safer Cleaner Greener Review in 2008, which took place over a period of two years. The sites where CCTV was already installed included land drainage sites such as Clifton Rd, Loughton; the Bobbingworth former landfill site; and housing areas and sites originally managed by the Estates Department, including Oakwood Hill, Loughton Way and Coopersale, amongst others. The last CCTV site to transfer to the Community Safety Team was the Civic Offices.

2. The respective budgets for these original sites were also transferred to Community Safety and included a maintenance budget of £4,460 per annum, which covered two annual service visits by contractors to each site, to clean, inspect and report any repairs required. The contract for this work is due to expire soon and is currently out to re-tender.

3. In 2008, service and maintenance costs for the Council's entire CCTV systems were in the region of £2,400 per annum. These costs have increased over the years to approx. £5,500 in 2014, although competition for this type of contract is very competitive which has helped to keep the costs down. However, airtime agreements, additional lighting services, line rental and broadband services, licences and high tech equipment failure have seen expenditure increase year on year.

4. Over the years, and in line with the Council's original CCTV Action Plan developed in 2008, all CCTV equipment has been upgraded to meet required Council and national standards, and CCTV has been expanded at a large number of sites, including, Langston Road and The Broadway, Loughton; Queens Rd, Buckhurst Hill; Norway House, North Weald and all of the Council's sheltered housing schemes. In most cases, the respective service areas met the capital costs for either new or replacement CCTV equipment and for improvements. However, the revenue budget has generally not been increased to cover the associated increased costs of maintenance, repairs and management of these extended and new sites.

The Current Position

5. This rapid expansion, which has been much welcomed from a service and community safety perspective has resulted in the Council now having a total of 37 sites across the district, with 480 cameras (as of June 2015). In addition, 7 rapid deployment CCTV cameras and three covert surveillance systems are also managed by the Community Safety Team, on behalf of

teams from across the Council. (see attachment containing details of locations and number of cameras).

6. The Council is able to provide and charge for footage supplied to insurance companies, in accordance with agreed policies and procedures, in cases, for example, of damage to vehicles whilst parked in Council car parks and income generated through this amounted to approximately £1,000 in 2014/2015. This small income stream is likely to increase if new CCTV systems are introduced across local EFDC car parks as currently planned.

7. However, the equipment at many of the original sites is now coming towards the end of its 'Mean Time Before Failure' (MTBF). CCTV systems are known to start to decline between 5-7 years and the effects of this can include cables perishing, lenses degrading and moving parts that operate 24/7, wearing out. This has been exacerbated by recent climate change, with heavy rainfall in particular. In view of the importance and reliance now placed on CCTV for crime prevention and detection - which can potentially include very serious crimes such as serious assaults, rape, child abduction and murder - it is clearly essential that the Council has reliable, good quality and well maintained equipment.

New CCTV Systems Identified as Requiring Installation

8. The Council's CCTV Operations Officer within the Community Safety Team is currently undertaking an exercise to identify locations in the District where the current CCTV equipment has reached the relevant criteria for 'discontinued use' (meaning that it is no longer considered necessary to continue to provide CCTV in that area). However, removal of CCTV needs much wider consideration based on a number of factors including the possibility of an incident and failure to capture this, a rise in fear of crime for the public and local businesses and loss of a physical deterrent.

9. In addition to maintaining the general operation of CCTV across the District, the CCTV Operations Officer is responsible for planning and procuring new CCTV systems according to requests from Directorates across the Council. The projects that are currently underway, or have been identified that would benefit from new CCTV installations over the next two financial years include;

- Expansion of CCTV at North Weald Airfield;
- Re-provision of CCTV following the EFDC Museum development and expansion works;
- Cover for all EFDC Car Parks;
- Additional CCTV at Limes Farm Estate, Chigwell;
- Additional CCTV at the Civic Offices; and
- New CCTV at Town Mead Depot, Waltham Abbey.

10. If all of these projects go ahead, this would further increase the number of sites to be monitored and maintained and would see a total of 500 cameras across the district by the end of 2017. However, there is currently an insufficient revenue resource available to properly maintain both the Council's current CCTV systems and these new installations that have been identified as being required.

The Benefits of CCTV

11. Members will be aware that across all sites in the District, CCTV cameras record images continually over the 24 hour period, although only key locations are proactively monitored under certain circumstances between 9am – 5.00pm. This tends to be where the Council is working with Essex Police in the monitoring of potential crime hot spots, or in response to local intelligence. These monitored locations can however be changed as and when required. In the last year, this monitored-CCTV coverage helped Government agencies to identify criminals involved in major crime in the District.

12. It is evidenced that CCTV is certainly a deterrent to crime and with systems such as the Council's, which are well managed and maintained, CCTV footage is frequently utilised by the Police, resulting in many perpetrators of crime being brought to justice. In 2013 & 2014 Essex Police requested view of footage on 452 occasions and in 2015, requests are averaging approximately 20 per month. In addition, the Council is receiving approximately 2 requests per month from insurance companies for which a fee of £120 is charged per request and this will potentially increase, as CCTV cover is rolled out across more car parks in the district. Areas of surveillance where CCTV has been particularly useful include Night Time Economy crime and capture of footage related to several cases of financial abuse of elderly people living in the district.

13. Some recent examples of how CCTV has either played a role in, or has been the main source of evidence in criminal cases in the district are as below;

- Fly-tipping Prosecution where the perpetrator was given a £3567 + £120 costs fine and a 26 week suspended jail sentence and night time curfew. (CCTV evidenced 2 separate incidents by same individual which made up part of the prosecution);
- EFDC Prosecution is pending for unlicensed taxi driving (CCTV provided vehicle registration evidence enabling a prosecution to go forward);
- Local nightclub closed down after repeated serious levels of violence from stabbings, beatings, offensive weapons and intentional harm with a vehicle. CCTV was instrumental in this closure; and,
- Serious Fraud (CCTV provided to HM Customs & Revenue). This is ongoing.

14. In November 2014 the Surveillance Camera Commissioner (SCC) launched a Self-Assessment Tool that was developed in close collaboration with the Security Systems & Alarms Inspection Board and National Security Inspectorate. This self-assessment tool will help the Council judge how it is complying with the 12 guiding principles in the Surveillance Camera Code of Practice. These include 'evidential value' and 'legitimate aim'. This will further help justify any pressing need for new CCTV and its costs.

15. The primary objective of the CCTV Service is to ensure that the Council's systems are compliant, credible and fit for purpose. Value for money is constantly sought and new, cost effective technologies researched and implemented. This includes installation of new products such as 'H Turbo', which effectively converts old systems with low quality image production into high quality images.

Future Approach and Strategy

16. In view of the increasing reliance on CCTV, the number of new systems being installed, and the need to invest capital expenditure on replacing old equipment and to fund increased servicing costs, the point has been reached when Cabinet needs to consider whether or not, in principle, it wishes to continue to provide and invest in CCTV for the future. Or, whether it would prefer to decommission existing systems when they reach the end of their useable life, not provide new systems planned for the future at key sites and, over time, decommission and eventually cease to provide a CCTV service to the community.

17. This is an important consideration since, although the benefits to local residents of continuing to provide CCTV within the District are clear and undeniable, the Council faces having to make further revenue savings next year to meet the requirements of its current Medium Term Financial Strategy. Therefore, the increased CSB costs resulting from renewing and increasing CCTV systems would need to be offset by increased savings (or income) from other areas.

18. If the Cabinet does wish to update the Council's old systems when required and install new ones in locations already identified as being required, it will be necessary to make additional ongoing capital provision to meet the renewal/replacement costs for old systems and increased revenue provision for the repair and maintenance of current and future installations. For new installations, it is proposed to continue with the current practice of service directorates being responsible for the capital installation costs from their own budgets or project budgets, or them seeking new/additional budget provision from Cabinet if necessary.

19. The Community Safety Team is currently formulating a plan to identify when each CCTV installation needs to be renewed, together with the anticipated future repair and maintenance costs of all current and proposed systems. It is proposed that, if the Cabinet wishes to continue to provide and invest in CCTV for the future, the Director of Communities formulates a fully-costed CCTV Strategy and Funding Plan, based on the anticipated future costs and proposed new installations, for consideration by the Cabinet at a future meeting, in advance of the budget cycle, so that the increased costs can be incorporated within the future budgets.

20. Any future strategy for CCTV could include a scheme whereby the Council provides a service to parish councils and other landowners, at a cost, whereby they could link their systems in to the Council's CCTV network.

Resource Implications:

It is proposed that a fully-costed CCTV Strategy and Funding Plan be formulated, based on the anticipated future costs and proposed new installations for consideration by the Cabinet at a future meeting.

In the meantime, it is anticipated that the new maintenance contract for the Council's existing CCTV provision will be slightly higher than in previous years at approximately £5,500. Future costs will be dependent on the number and level of cameras and equipment purchased.

Income for 2014/15 amounted to around £1,000 and this will likely increase if additional CCTV coverage is provided in local car parks. There are also potential options for Invest to save which could be investigated.

Legal and Governance Implications:

The Council provides CCTV footage to Essex Police as requested and over the last year, has provided evidence which assisted Government agencies to bring to justice perpetrators involved in major crime in the district amounting to £5 – 6 million.

Safer, Cleaner and Greener Implications:

As stated, CCTV coverage is utilised across the district to identify issues of crime and disorder and enables the Council via its Environmental Health team and Essex Police to identify offenders and bring them to justice.

Consultation Undertaken:

None at present.

Background Papers:

None.

Risk Management:

The Council's CCTV cover currently provides local communities with reassurance that people will be deterred from committing crime and hence, this helps to reduce fear of crime amongst local residents. Therefore, if the Council takes a decision to remove or not replace CCTV equipment as it reaches the end of its serviceable use, it is possible that crime and public fear of crime may rise in these locations.

Due Regard Record

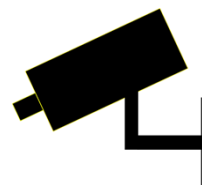
This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved 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 subject of this report does not impact on the Equality Act 2010.

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EFDC CCTV LOCATIONS & RETENTION TIMES



	Location Of Cameras	No. Of Cameras	Retention Time
1	Bakers Lane Car Park, Epping	10	31 Days
2	Barrington Hall, Debden (Careline)	1	32 Days
3	Bobbingworth	13	31 Days
4	Borders Lane shopping parade, Loughton	10	13 Days
5	Buckhurst Court, Buckhurst Hill (Careline)	4	14 Days
6	Chapel Road, Epping (Careline)	2	29 Days
7	Civic Offices, High Street, Epping	23	24 Days
8	Civic Offices, (Homefield House), Epping	4	31 Days
9	Civic Offices, IT Helpdesk + CompSuite, Epping	3 + 3	31 Days
10	Civic Offices, Interview Rooms, High St, Epping	2	31 Days
11	Clifton Road, Loughton (Land Drainage)	1	N/A
12	Cottis Lane Car Park, Epping	13	31 Days
13	Debden Broadway, Loughton	64	31 Days
14	Epping Forest District Museum	12	31 Days
15	Frank Bretton House, Ongar (Careline)	3	15 Days
16	Grove Court, Waltham Abbey (Careline)	4	32 Days
17	Hedgers Close, Loughton (Careline)	5	25 Days
18	High Road, Loughton	30	56 Days
19	High Street, Epping	9	31 Days
20	Hyde Mead House, Nazeing (Careline)	4	22 Days
21	Jessop Court, Waltham Abbey (Careline)	6	06 Days
22	Jubilee Court, Waltham Abbey (Careline)	5	19 Days
23	Langston Road Depot, Loughton	18	31 Days
24	Leonard Davis Court, North Weald (Careline)	4	06 Days
25	Limes Farm Shopping Parade, Chigwell	14	31 Days
26	Limes Farm Yellow Block, Chigwell	16	31 Days
27	Limes Hall, Limes Farm, Chigwell	16	31 Days
28	Limes Hall Office, Limes Farm, Chigwell	6	31 Days
29	Longcroft Rise, Oakwood Hill Estate, Loughton	9	30 Days
30	Loughton Way Shopping Parade, Buckhurst Hill	12	31 Days
31	Lower Queens Road Car Park, Buckhurst Hill	15	30 Days
32	North Weald Airfield	9	31 Days
33	North Weald Airfield Wheelie Bin Compound	1	31 Days
34	Norway House, North Weald	27	24 Days
35	Parklands Shopping Parade, Coopersale	11	31 Days
36	Parsonage Court, Loughton (Careline)	7	16 Days
37	Pelly Court, Epping (Careline)	16	31 Days
38	Pyrles Lane Shopping Parade, Loughton	17	22 Days
39	Queens Road, Buckhurst Hill	21	31 Days
40	Roundhills Shopping Parade, Waltham Abbey	13	31 Days
41	Town Mead, Orchard Gardens, Waltham Abbey	8	31 Days
42	Upshire Shopping Parade, Waltham Abbey	5	24 Days

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Report to the Cabinet

Report Reference: C-017-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Planning Policy

**Subject: Assessment of the Viability of Affordable Housing,
Community Infrastructure Levy and Local Plan.**

Responsible Officer: Ken Bean (01992 564610)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

- (1) To note the findings of the Stage 1 Report, the Executive Summary for which is attached at Appendix 1;**
- (2) To agree that the Council progresses work needed to support the potential introduction of a Community Infrastructure Levy (CIL) along the lines proposed in the Stage 1 Report; and**
- (3) To agree that, irrespective of the decision taken on CIL, Stage 2 of the economic viability work should be completed to inform the Preferred Option Draft Local Plan and, accordingly, that officers be instructed to ensure that the consultants retained by the Council undertake and complete this work at the appropriate time.**

Executive Summary:

The Dixon Searle Partnership (DSP) has been engaged by the Council to undertake an assessment of the economic viability of development across the District and advise on the implications of this for the drafting of Local Plan policies. The consultants were also asked to consider the scope for the introduction of a Community Infrastructure Levy (CIL) and the inter-relationship with overall development viability.

CIL, as the name suggests, is essentially a tax that local authorities can charge developers to help deliver the infrastructure needed to support the development of the area. A proportion of the levy collected is passed onto Parish and Town Councils to spend where development has taken place. CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. Therefore, since some site specific impact mitigation may still be necessary in order for a development to be granted planning permission, where CIL is introduced there is still a legitimate role for development specific planning obligations.

The economic viability work is being undertaken in two stages and DSP has now reached the end of Stage 1. Their report reviews economic viability of development at a strategic level across the District and introduces potential options for Local Plan policy development, including the proportion of affordable housing and affordable housing thresholds. The Stage 1 report also considers the prospects for the introduction of a Community Infrastructure Levy and advises on broad parameters for viable levels of CIL for different land uses across the District.

The consultants briefed all Members on 19th May on the economic viability work undertaken so far. They explained the links with the Local Plan and affordable housing as well as also presenting their findings in respect of the prospects for introducing a CIL Charging Schedule across the District, indicating uses that could sustain a charge and the rates that might be levied.

The purpose of this report is to request that Cabinet note the work already completed and agree that the Council continues the work needed to support and inform both the Local Plan and potential introduction of a CIL Charging Schedule.

Reasons for Proposed Decision:

It is necessary to produce economic viability evidence as part of the Council's evidence base needed to underpin and inform policies in the emerging Local Plan.

The Community Infrastructure Levy (CIL) came into force in 2010 and is the Government's preferred approach to help deliver infrastructure needed to support the development of an area.

In summary, the reasons for recommending that the Council progresses its economic viability work is to: i) ensure that the Local Plan is founded on a robust, credible and up to date evidence base, and ii) facilitate the potential introduction of a CIL Charging Schedule.

Other Options for Action:

(i) To decide not to progress CIL. The implications of this would be that the Council would need to solely rely upon pooling up to a maximum of five section 106 (S106) contributions to fund a piece of infrastructure.

(ii) To delay a decision on whether to introduce CIL. Although the Government's preferred approach, there is not a statutory obligation to introduce CIL, nor any deadline set for making such a decision.

(iii) To not request consultants to undertake Stage 2 of their economic viability work. As explained in the body of the report, irrespective of the Council's decision on CIL, economic viability work is needed to inform how Local Plan policies are couched, including the policy approach taken in respect of affordable housing.

Report:

1. The Government's National Planning Policy Framework (NPPF, para 173) is clear that pursuing sustainable development requires careful attention to viability and costs in plan making and decision taking; also that plans should be deliverable. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements, should enable development to be deliverable. In setting policy on local standards in the Local Plan, including requirements for affordable housing, it is necessary to assess likely cumulative impacts on development across the District. Consultants, Dixon Searle Partnership (DSP) have been appointed to make this assessment and advise on the scope to introduce CIL charges.

2. CIL, as the name suggests, is essentially a tax on development and is levied to ensure funding of infrastructure and requires charging authorities to identify the total cost of infrastructure they wish to fund wholly or partly through the levy. In doing so it is necessary to

consider what additional infrastructure is needed to support development and what other sources of funding are available. The NPPF (para 177) emphasises the importance of LPAs understanding district-wide development costs when preparing their Local Plans, therefore necessitating that infrastructure and development policies are planned at the same time. Also, that affordable housing and any local standards requirements that may be applied to development should be assessed at the plan-making stage and kept under review.

3. Typically, infrastructure information is provided in an Infrastructure Delivery Plan (IDP) that councils produce as a key piece of evidence used to support and justify both CIL charging schedules and Local Plan policies. Therefore, irrespective of whether EFDC decides to pursue CIL, it will be necessary to prepare an IDP in support of the emerging Local Plan.

4. The levy can be used to fund a wide range of infrastructure including transport, flood defences, education, health and social care facilities as well as a broad range of facilities such as play areas, parks and green spaces, district heating schemes, cultural, sports, police and other community safety facilities. However, the Government's Planning Practice Guidance (PPG) states that for affordable housing, use of S106 obligations remains the appropriate funding mechanism and therefore should not be included in CIL charging. The PPG also makes clear that CIL is intended to provide new infrastructure, and therefore should not be used to remedy pre-existing deficiencies in infrastructure provision unless these deficiencies will be made more severe by new development.

5. DSP's Stage 1 Report has now been received, the Executive Summary of which is attached as Appendix 1. The report sets out findings and recommendations for the Council to consider in taking forward the drafting of the Local Plan and the potential for implementing of a CIL alongside a reasonable and viable level of affordable housing to be sought on residential development schemes across the District.

Community Infrastructure Levy (CIL)

6. The CIL levy is payable on new development which creates net additional floor space where the gross internal area of new build exceeds 100 square metres. That limit does not apply to new houses or flats and a charge can be levied on a single house or flat of any size. There are however a number of exemptions including residential developments built by 'self builders', (as defined in the CIL Regulations), social housing, charitable development, buildings into which people do not normally go / go only intermittently for inspection or maintenance purposes and vacant buildings brought back into the same use.

7. The evidence base for a charging schedule needs to be robust and is examined in public prior to adoption of the levy. It is necessary to use an area-based approach to CIL, which entails a broad test of viability across the area, and be able to demonstrate that the proposed levy rate(s) set an appropriate balance. To help ensure the viability of development is not put at risk, the CIL regulations permit differential CIL rates to be charged in relation to geographical zones, types of development and/or scales of development. However, caution is expressed both in Government guidance and by the Council's consultants based on their experience that a CIL charging authority intending to set differential rates should seek to avoid undue complexity. Also, differential rates must not be set in such a way that they constitute a notifiable state aid under European Commission regulations.

8. It is important to recognise that CIL is only likely to provide a proportion of the funding needed to provide the infrastructure required to support new development. Typically s.106 only provides for about 7% of infrastructure funding; whilst CIL may contribute a little more, successive revisions made to the CIL Regulations by Government since first introduced in 2010 has had the effect of reducing an LPA's ability to charge CIL for new development.

Relationship between CIL and the Local Plan and Neighbourhood Plans

9. CIL is expected to have a positive economic effect on development across a local plan area. Paragraph 175 of the NPPG advises that where practical CIL charges should be worked up and tested alongside the Local Plan. It is also important to note that it is necessary to have in place an adopted up to date Local Plan prior to introducing CIL charging. This means that in setting rates it is necessary to demonstrate how the CIL proposals contribute positively to plan delivery, and that an appropriate balance is struck between additional investment needed to provide infrastructure to support new development and the potential effect on the viability of developments. Not all development may be viable either before or after the impact of CIL and other planning policies – however, what is important in setting CIL rates is that delivery of the Local Plan as a whole will not be put at undue risk through cumulative requirements placing too high a level of collective costs on developments.

10. Whilst CIL charging schedules are not formally part of the Local Plan, they should inform and generally be consistent with each other. Forming part of the Council's justification for introducing CIL the Council would need to be able to explain and justify how the levy rate(s) proposed will contribute towards implementation of the Local Plan and generally support development across the whole of the District. The evidence demonstrating this would principally comprise DSP's Stage 1 and Stage 2 reports illustrating potential effects the proposed rate(s) would have on economic viability. It is also necessary to provide information about the amount of funding collected in recent years through S106 agreements together with an indication of the extent to which affordable housing and other targets have been met.

11. The NPPF states (para 175) that in supporting and incentivising new development a meaningful proportion of CIL funds raised should be passed onto the neighbourhoods where the development takes place. Accordingly, the CIL Regulations stipulate that the proportion of CIL receipts that must be given to relevant Town and Parish Councils is 25% where there is a Neighbourhood Plan in place and 15% otherwise. This neighbourhood portion of the levy can be spent on a wider range of things than the remainder of the levy and therefore need not be restricted to infrastructure, provided that the use meets the requirements to "support the development of the area" (CIL Regulation 59C refers).

Relationship between CIL and Section 106 (s106)

12. At examination the charging authority is required to set out a draft list, (commonly referred to as the Regulation 123 list), of projects or types of infrastructure that are to be funded in whole or in part by the levy. It is also necessary to set out any known site-specific matters for which section 106 contributions may continue to be sought alongside CIL, and in so doing provide a clear explanation how CIL will operate alongside S106 obligations so as to ensure there is no so called "double dipping" between costs and obligations used to support particular infrastructure provision. This is to provide transparency regarding what a Council intends to fund through the levy and where it may continue to seek section 106 contributions. The purpose of the Regulation 123 list is to help provide evidence on any potential funding gap – it is not the purpose of the CIL examination to challenge the infrastructure items that the Council may decide to include on it.

13. Since 6 April 2015 a maximum of five S106 contributions - back dated from April 2010 - may be pooled to fund or provide a single infrastructure project. The effect of restricting the pooling of S106 contributions is to encourage local authorities to adopt CIL to fund infrastructure as, apart from affordable housing, s.106 contributions may be less effective in bringing some community benefits forward. However, it should be noted that there appears to be some flexibility whereby some councils operating CIL still also collect up to five S106

contributions to fund improvements to a specific item, for example a particular school.

Relationship between CIL and Affordable Housing Policy

14. Affordable housing is the primary viability consideration and therefore, alongside setting CIL rate(s), it is also necessary to consider affordable housing policy impacts. The Council's consultants in their Stage 1 report conclude that from the results to date the emerging picture indicate an affordable housing headline target of 40% for sites of 11 or more dwellings rather than the current 50% policy target applied to rural areas and smaller settlements. At the 40% level DSP believe there would be meaningfully greater scope to achieve a reasonable combination of both affordable housing and CIL, having regard to the fact that CIL rates should allow a buffer and not be set right at the margins of viability.

Consultants' Recommendations

15. Based on work undertaken to date, DSP's provisional outcomes to be considered further indicate recommending a three tier charging schedule as a potential option for residential uses.

- For non-strategic (smaller scale) development assuming a 40% affordable housing target, a general CIL rate of between £150 - £225 per sq. metre is likely to be appropriate.
- There is however a few areas in the District where residential values indicate that a lower CIL rate and /or affordable housing target may be required to ensure the viability of delivery. At this stage the suggested rate in these areas is £80 to £100 per sq. metre, about half of the general rate.
- For any strategic sites that might be identified with significant on-site / site specific infrastructure and mitigation costs (through S106) DSP advise that consideration will need to be given to a £0 per sq. metre or very low CIL rate – especially if a fixed District-wide affordable housing proportion is maintained.

16. In relation to other uses at present there is only thought to be the potential for some forms of retail development charged at a relatively modest District-wide rate certainly not exceeding the general residential parameters, and more likely to be closer to the provisional lower residential range of £80 to £100 per sq. metre. Thus currently DSP conclude that there is no scope in viability terms to justify a CIL charge for other uses such as employment. However, as with all other aspects, this matter will be subject to further consideration in the future.

Conclusion

17. For the reasons explained above regarding the need for viability evidence to inform Local Plan policies, officers consider that the option of not progressing Stage 2 viability work is an untenable one since the absence of robust, credible and up to date evidence covering these matters would place the Local Plan at serious risk of being found unsound at examination.

18. Whilst the Council can decide either to not progress work on CIL, or to delay making a decision, officers do not recommend either of these options. Further viability work is needed to inform the planning policy stance taken in our Preferred Option Draft Local Plan. The Stage 1 report produced by the consultants is clear in its finding that this District could support a CIL charge for new residential and retail development. Officers' recommendation is that viability work is therefore progressed with a view to also potentially introducing a CIL Charging Schedule following adoption of the Local Plan in 2018.

Resource Implications:

If a CIL is introduced a number of practical issues arise. It will entail work beyond the planning policy and development management teams. This is because it will be necessary to put in place administrative systems involving teams across the Council to facilitate the issuing of notices, invoicing and collection and chasing up late payment of any CIL payments due. In recognition of the need to put in place / adapt existing systems the Regulations permit CIL charging authorities to spend up to five per cent of their total levy receipts on administrative expenses.

In relation to the S106 pooling restrictions it is now necessary to keep an accurate record of the number of obligations, back dated to April 2010, that relate to a specific type of infrastructure.

Legal and Governance Implications:

The legislative and regulatory provision for producing a Local Plan and CIL Charging Schedule is given under The Town and Country Planning Act 1990 (as amended), The Town and Country Planning (Local Planning) (England) Regulations 2012 and The Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013 & 2014). Policy on both Local Plans and CIL is given in the National Planning Policy Framework (NPPF) with more detailed policy guidance provided in the Government's online 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. However, there is no requirement to undertake either SA or SEA in relation to production of a CIL charging schedule.

Consultation to be undertaken:

Representations will be invited on the draft Local Plan Preferred Option Draft Local Plan prepared under Regulation 18 of the The Town and Country Planning (Local Planning) (England) Regulations 2012 and again under Regulation 20 on the proposed submission plan. In relation to CIL a charging authority is required to consult on a preliminary draft charging schedule and then again on the draft charging schedule that goes forward for examination.

Background Papers:

DSP Stage 1 Report Assessment of the Viability of affordable Housing, Community Infrastructure Levy and Local Plan

Risk Management:

There are a number of potential risks associated with a decision taken on whether to implement a CIL:

- There is a reasonable likelihood that the CIL Regulations will be further amended in the future – it should be noted that the overall impact of earlier changes has been to reduce the amount of new development that is CIL liable.

- Although not yet tested, it is likely that the interpretation of CIL Regulation 123 will be the subject of a legal challenge to be determined in the courts.
- In respect of the relationship between CIL and S106, the courts may determine the legality of the Regulation 123 list including a mix of both generic infrastructure types and specific infrastructure projects and the ability to use up to five S106 obligations for a specific piece of infrastructure whilst also using CIL funds for the same infrastructure type.
- In the absence of S106 pooling there is a risk that the imposition of a CIL Charging Schedule may fail to deliver sufficient funding for the infrastructure needed to support new development. Particularly if the level of planned development in the Local Plan is low or if actual delivery of planned development is lower than anticipated.

Specifically in relation to the Local Plan, as explained above, there is a strong likelihood of the plan being found unsound if the policies are not based on robust viability evidence.

Due Regard Record

Name of policy or activity:

Assessment of the Viability of Affordable Housing, Community Infrastructure Levy and Local Plan

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 23/07/2015	<ul style="list-style-type: none">• The Cabinet report is seeking approval to progress economic viability evidence work needed to support policies in the emerging Local Plan and potentially introduction of a Community Infrastructure Levy across the District.• Once commenced, the Local 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 District Council to consider such issues during the preparation of the Local Plan, and if introduced, the Community Infrastructure Levy (CIL) would be subject to equality analysis separately.

	<ul style="list-style-type: none">• As explained in the Cabinet Report, the Stage 1 Report, necessarily high level at this juncture, has been completed providing an initial assessment of the viability of affordable housing, CIL and the Local Plan. As the Council has not yet identified a preferred policy approach either to the Local Plan (including affordable housing policies, spatial strategy and site allocations) or CIL it is not yet possible to undertake a proper assessment of matters to be addressed in terms of an equality analysis report. In respect of the preparation of the Council's District Local Plan it will be possible for this to be undertaken at the Draft Preferred Option Stage.• No equality issues have been identified at this stage.
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Epping Forest District Council



**Epping Forest
District Council**

Stage 1 Assessment of the Viability of
Affordable Housing, Community
Infrastructure Levy and Local Plan

Executive Summary

Ref: DSP14241

Final Report

June 2015

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Executive Summary

Notes and Limitations

This executive summary should be read in conjunction with the full report.

This study has been carried out using well recognised residual valuation techniques by consultants highly experienced in the preparation of strategic viability assessments for local authority policy development including whole plan, affordable housing and CIL economic viability. However, in no way does this study provide formal valuation advice. It should not be relied on for other purposes.

In order to carry out this type of study a large quantity of data is reviewed and a range of assumptions are required. It is acknowledged that these rarely fit all eventualities - small changes in assumptions can have a significant individual or cumulative effect on the residual land value generated and / or the value of the CIL funding potential (the surplus after land value comparisons).

It should be noted that in practice every scheme is different and no study of this nature can reflect all the variances seen in site specific cases. The study is not intended to prescribe assumptions or outcomes for specific cases. If an applicant considers that it would be unviable for a specific development to meet the Local Plan's requirements/targets (e.g. affordable housing), an option would exist to submit a site-specific viability appraisal, supported by appropriate evidence, to demonstrate this and reduce the level of obligation required.

Specific assumptions and values applied for our schemes are unlikely to be appropriate for all developments and a degree of professional judgment is required. We are confident, however, that our assumptions are reasonable in terms of making this viability overview and informing the Council's work on its CIL Preliminary Draft Charging Schedule preparations and Local Plan policies.

1. Project scope – the Council’s brief

Epping Forest District Council is in the process of preparing a new Local Plan whilst at the same time considering the introduction of a Community Infrastructure Levy.

As the Council has not yet identified a preferred policy approach either to the Local Plan (including affordable housing policies, spatial strategy or site allocations) or the Community Infrastructure Levy, this study has been broken down in to two distinct phases or stages.

This report represents Stage 1 of the process and reviews viability at a high level and introduces potential options for Policy development (including on the proportion of affordable housing and affordable housing thresholds) and broad parameters for viable levels of CIL for various uses across the District.

Overall the study will:

- i. Provide the viability evidence base to inform the development of the Council’s new Local Plan as well as potential options for the introduction of the Community Infrastructure Levy.
- ii. Provide recommendations on the appropriate level of affordable housing and CIL whilst maintaining viable development.
- iii. Assess viability of development site typologies (relevant to the type of development likely to come forward across Epping Forest District) as well as strategic scale development.

The second stage of this process will update the outcomes from Stage 1 and apply agreed approaches from Stage 1 to new site or location types being introduced through the Local Plan as a clearer picture on site supply and development strategy emerges following a review of Stage 1 recommendations.

2. National planning and Community Infrastructure Levy (CIL) context

The National Planning Policy Framework (NPPF) & CIL Regulations require and provide for:

- i. Local Plans to be deliverable; and identified development should not be subject to such a scale of obligations and policy burdens that viability is threatened.
- ii. Assessment of the cumulative impact of existing and proposed local and national standards; and those should not put at serious risk the implementation of the Plan.
- iii. CIL is expected to have a 'positive economic benefit' and an 'appropriate balance must be struck between additional investment to support development and the potential effect on the viability of development'.
- iv. The CIL Regulations have changed a number of times with the latest Regulations setting out the following key areas:
 - Limitation on the pooling of s. 106 obligations from April 2015
 - new mandatory exemptions for self-build housing, and for residential annexes and extensions;
 - a change to allow charging authorities to set differential rates by the size of development (i.e. floorspace, units);
 - the option for charging authorities to accept payments in kind through the provision of infrastructure either on-site or off-site for the whole or part of the levy payable on a development;
 - a new 'vacancy test' - buildings must have been in use for six continuous months out of the last three years for the levy to apply only to the net addition of floorspace (previously a building to be in continuous lawful use for at least six of the previous 12 months); vacant buildings brought back into the same use would also not be charged;
 - a requirement on the charging authority to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy on the economic viability of development across the area. Previously a charging authority had to 'aim to strike the appropriate balance';

- provisions for phasing of levy payments to all types of planning permission to deal fairly with more complex developments.

3. Viability Assessment – Principles

- i. It is accepted that not all development may be viable either before or after the impact of CIL and other planning policies – what counts is that delivery of the Local Plan, as a whole, will not be put at undue risk through the influence of requirements that place too high a level of collective costs on developments (through the CIL levels and policies).
- ii. Charging Authorities need to show how their CIL proposals contribute positively to plan delivery; and how they will operate alongside s.106 (so as to ensure no “double-dipping” in terms of overlaps between costs and obligations used to support particular infrastructure provision).
- iii. The assessment provides appropriate, proportionate evidence. It is a high-level overview based on scenarios and site-specifics (including, in the Epping Forest context, strategic scale development).
- iv. In very basic terms, through the study we are looking at the strength of relationship between development values and costs.

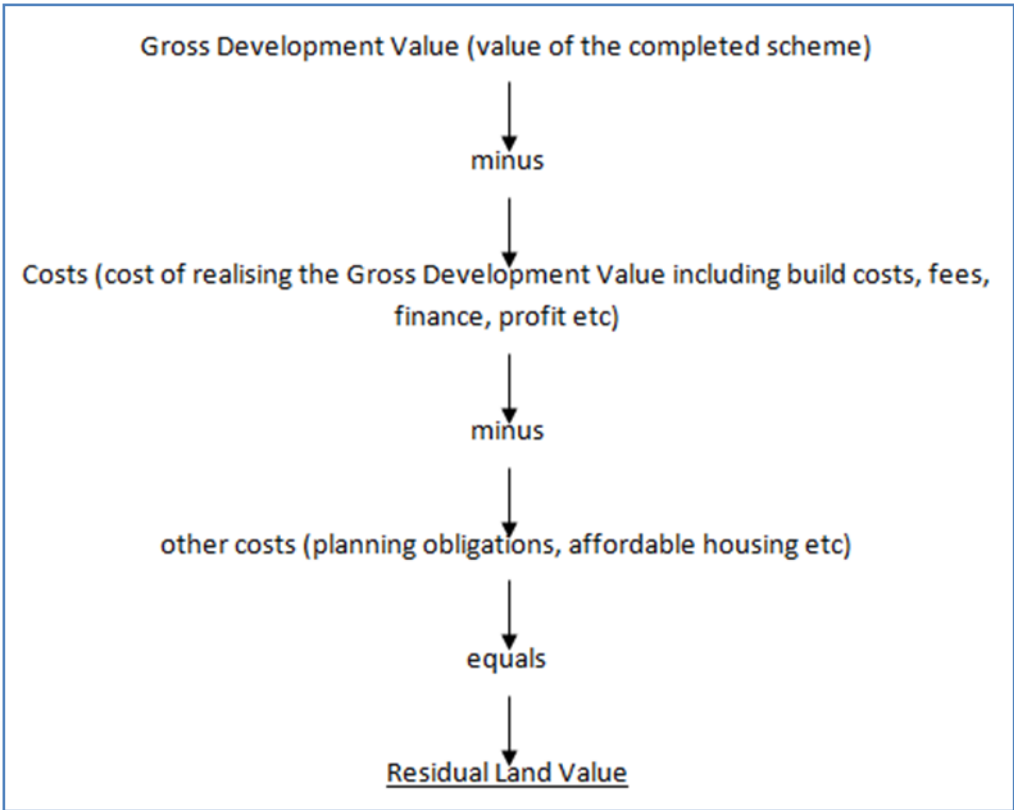
4. Study methodology – principles and brief outline

- i. The viability of a scheme is based on *‘the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project’ (RICS Guidance – ‘Financial viability in Planning’ - August 2012).*
- ii. This means that there needs to be sufficient land value and profit once all the costs of development have been met. The assumptions take into account planning obligations, CIL and affordable housing but also any policy requirements

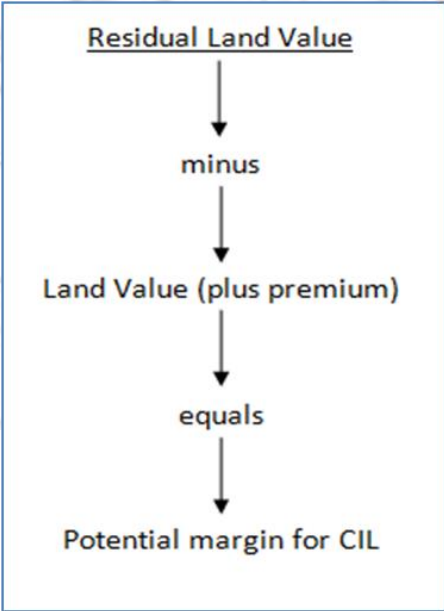
that may have a cost impact on development – e.g. sustainability, density, unit mix, affordable housing type / tenure, etc.

- iii. The methodology basis is the same for all parts of the study – it uses residual land valuation techniques.
- iv. There is a significant overlap between Local Plan and CIL viability and some circularity – i.e. policies in the Local Plan will affect the level of CIL, and vice-versa.
- v. The assessment process involves calculating the residual land value (RLV) produced by a range of scheme types and sizes (including non-residential for CIL) and comparing the results to benchmark or threshold land values. For CIL this includes trialling a range of potential CIL charging rates – an iterative approach following the initial assessment of the viability of key policies, allowing a review of the general viability picture and, from there, any in-principle surplus available to support CIL funding.
- vi. The process outlined above may be visualised in simplified form as follows (see the following diagrams – steps 1 and 2):

Step 1: Appraisal produces a 'RLV':



Step 2: Considering the RLV and whether it is sufficient to provide a surplus for CIL:



5. Stage 1 Findings in Epping Forest District

- i. Affordable housing is the primary viability consideration and in our view the setting of CIL rate(s) can only be fully considered once the affordable housing policy impacts have also been reviewed; the two need to be considered together.
- ii. For Stage 1 of this study the results indicate that an affordable housing headline target of 40% applicable to sites of 11 or more dwellings would appear more appropriate than a continued 50% target (as applied to the rural areas / smaller settlements through adopted policy). At this level, we consider that there would be meaningfully greater scope to achieve a reasonable combination of both affordable housing and CIL, bearing in mind that the CIL rates ultimately set will need to be “buffered” and well within the apparent maximum rates
- iii. Suggested approach to CIL for residential uses envisages three tier charging schedule as a potential option.
- iv. For non-strategic (smaller scale) development we are of the opinion that (assuming a 40% affordable housing policy as a target), a CIL rate of between £150 - £225/m² is likely to be appropriate across much of the district.
- v. Some limited level of differentiation within the overall residential approach seems likely to be warranted. In Waltham Abbey for example, residential values are typically such that it is likely that a lower CIL rate and / or lower affordable housing target may be required there or in areas / scenarios with similar values to Waltham Abbey to ensure the viability of delivery in these areas. At this stage the rate suggested is around half of the rate above -£80/m² to £100/m².
- vi. Stage 1 results indicate that strategic scale sites with significant on-site / site specific infrastructure and mitigation costs (through s.106) are unlikely to support the same level of CIL as the smaller non-strategic sites in the rest of the district. Consideration will need to be given in those instances to a £0/sq. m CIL rate or very low rate relative to the provisional rates for the rest of the district – especially if a fixed affordable housing proportion is maintained across the district.

- vii. Options exist for potential further variation by scale of development in response to affordable housing thresholds (i.e. higher rates where affordable housing is not required and vice versa). Affordable housing either via a financial contribution or through on-site provision for sites of 10 units or less but that provide for more than 1,000m² of development may also be considered and again, the CIL rate adjusted if necessary.
- viii. There is potential for CIL charging scope for some forms of retail development – currently at a relatively modest rate not exceeding the residential parameters headline rates provisionally put forward (range £150-225/sq. m) and more likely within or beneath those (i.e. closer to the provisional lower residential rates scope of say £80-100/sq. m);
- ix. All other development uses are currently expected to produce, with more certainty, nil CIL charging scope (£0/sq. m) but as with all other aspects, subject to further consideration.
- x. In terms of the CIL for non-residential development, we do not consider that there will be a need to differentiate geographically.

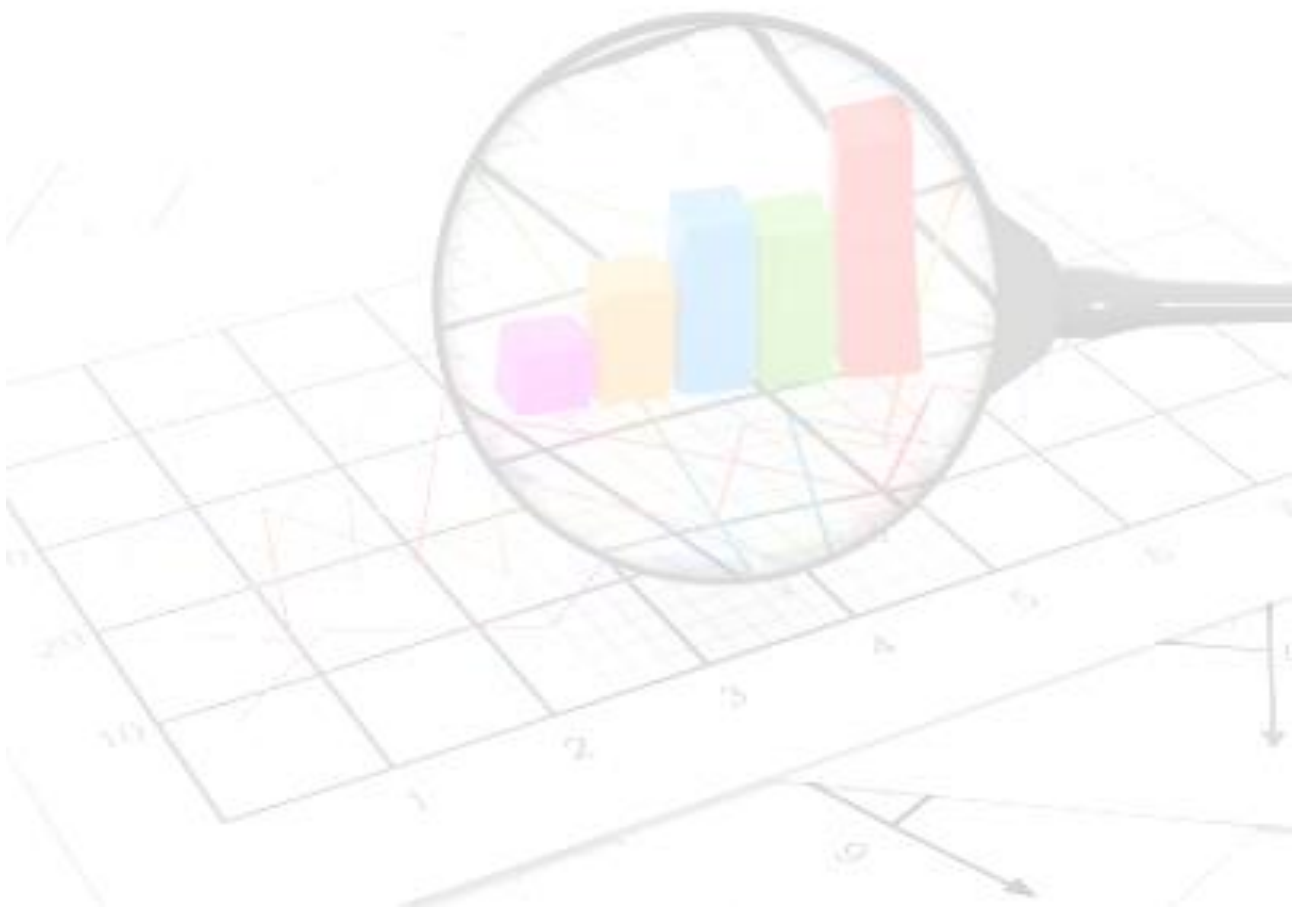
6. CIL and the Council's approach – Delivery considerations

- i. Whichever approach to CIL is progressed, the Council will need to continue to operate its overall approach to parallel obligations (s.106 and other policy requirements) in an adaptable way; reacting to and discussing particular site circumstances as needed (and supported by shared viability information for review). CIL will be fixed, but will need to be viewed as part of a wider package of costs and obligations that will need to be balanced and workable across a range of circumstances.
- ii. This again is not just a local Epping Forest District factor, but is a widely applicable principle.
- iii. Under the CIL guidance, prospective charging authorities will need to make clear how CIL and s.106 will operate together in their area, including setting-out what

each will be used for so as to ensure no “double-dipping” (as it has been referred to) for funds towards meeting the infrastructure costs or for the provision of works in-lieu of financial contributions.

Executive Summary ends.

June 2015.



Report to the Cabinet



Report reference: C-018-2015/16
Date of meeting: 23 July 2015

**Epping Forest
District Council**

Portfolio: Governance and Development Management
Subject: Release of Restrictive Covenants – Epping Forest College
Responsible Officer: Derek Macnab (01992 564050).
Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Council issues a Deed of Release of the 1952 and 1955 Covenants, consistent with the previous Deeds of Release, on the land at Epping Forest College, on the basis as outlined in paragraph 11 of the report; and**
- (2) That the Council does not exercise its pre-emption rights on the land.**

Executive Summary:

The Council has received a submission from the Solicitors to Epping Forest College, seeking the release and/or modification of two restrictive Covenants and a right of pre-emption in favour of the Council, which currently binds the Colleges Estate. In summary, the release of the Covenants is requested to enable the College to fulfil the aspirations of their accommodation strategy, namely, to invest in new educational and public/community well-being facilities. The College suggest that by allowing surplus land to be sold for residential development (which would include affordable housing), this would generate capital to be utilised in the provision of further enhanced educational facilities and a new sports centre, for use by both college students and the local community. This would serve to compensate for the loss of the Debden Community Association Sports Centre and meet a deficiency in indoor dry sports provision identified in the Council's adopted Leisure and Cultural Strategy.

Reasons for Proposed Decision:

The Council has previously released restrictive Covenants at the Epping Forest College site, to facilitate residential development, a residential care home, and the provision of student accommodation. On these occasions, it was to generate funds to facilitate further educational provision and stabilise the College's financial position. This report seeks Members' consideration of such a further request.

Other Options for Action:

To not consider the release of the Covenants and allow the matter to be referred by the College to the Land Tribunal. In this circumstance, based on previous advice obtained by the Council from Chartered Surveyors, Montague Evans in 1998, it would be likely that the tribunal would agree to the release. Alternatively, the Council could exercise its pre-emption rights on any piece of land and seek to develop the site/s for its own Council Housebuilding programme.

This would require the Council to purchase at market value. However, any residential scheme, promoted by the College, would in all likelihood involve an element of affordable housing in accordance with current Council Policy.

Report:

1. In late 2014, the Council received a detailed submission from the Solicitors to Epping Forest College, seeking the Council's agreement to the release and/or modification of certain Covenants, which directly restrict or prevent the sale and development of the College's land for purposes other than public education or public health. The request is to enable the final phase of the College's Campus rationalisation programme to be implemented.

2. The wording of the existing Covenants is set out in full in the College's submission, however, the overall effect is that the whole of the original estate of the former Loughton Technical College, is constrained by:

(a) a restrictive covenant prohibiting uses "other than for the purposes of the Education Act 1944 and/or the National Health Services Act 1946" in the case of the land coloured pink, blue and mauve on Plan A and the land edged red on Plan B or in the case of the land coloured yellow on Plan A "the Education Act 1944 or other approved County service" (Plan Attached);

(b) a restrictive covenant prohibiting the erection of any buildings on the land "except in accordance with the layout and site plans first submitted to and approved by the Council"; and

(c) a right of the first refusal which prohibits the sale of the land "without first offering it for sale to the Council", which offer the Council may accept within 3 months for a price based upon CPO compensation formulae.

3. Historically, in 1952 and 1955, all of these Covenants were expressed to be in favour of the former London County Council, before transferring to the Greater London Council upon the LLC being subsumed into the GLC in 1963; then, upon the GLC's abolition in 1986, the benefit of the Covenants transferred to the Council.

4. Since 2005, the College has adopted a strategy of rationalisation of its estate, from the original 35 acres. As such, it has disposed of a number of assets, namely:

(i) in 2007, the College sold its Upper Site (10 acres) in two phases to Redrow Homes for housing development;

(ii) in 2008, the College sold Loughton Hall for redevelopment as secure accommodation for older people, on terms which obliged Redrow (as part of the price of purchase of the Upper Site) to refurbish the exterior of this listed building to a high standard. That development is now complete;

(iii) in 2010, the College sold surplus car park land to University of Essex for redevelopment as student accommodation; and

(iv) in 2011, the College sold Loughton Sports Hall to a specialist care home developer/manager, Loughton Care Centre Limited.

5. It can be seen from the College's latest submission, that the estate rationalisation programme was designed to deliver two key objectives, firstly to bring about the improvement

and modernisation of the College's facilities to modern educational and vocational training purposes, and secondly, to stabilise the College's financial position. This culminated in the provision of the new Campus on the Lower Site, completed in August 2008 at a cost of nearly £40million.

6. The College, having now achieved their strategic objectives, are now operating out of a Campus which is space-efficient, economical, environmentally sustainable and attractive to students. The substantial capital receipts generated by the disposals have funded the new investments in buildings and facilities and reinforced the College's medium to long term financial condition.

7. The Council has been supportive of the College's previous requests for Deeds of release of the Covenants in order to allow the disposal of the Upper Site, Loughton Hall the former Loughton Debden Sports Hall and Car Park land.

8. The College now seeks the Council's further support with regard to the Middle Site and the Playing Fields, i.e. those remaining parcels of College land which are unused and, for the most part, surplus to requirements. This is in order to fund the College's procurement or a new high quality sports and well-being facility for the benefit of the community, as well as a release of area around the footpath between Borders Lane and Rectory Lane up to the area that borders land owned by Rubyrose, specialist care home developer to enhance the amenity of that area of land.

9. In support of their request to release the Covenants, the College argue that by allowing surplus land to be sold for new housing to include an affordable element, (subject to planning permission), would outweigh the benefits of retention. In addition, they suggest that substantial additional community benefit will also be delivered by further enhanced educational and leisure facilities, available to both students and the local community. The Council's Leisure and Cultural Strategy adopted in December 2014, identified a need for additional indoor sports provision in the South of the District, and supported in principle, potential new-dual use facilities at the College. This would help compensate for the loss of the Debden Community Association Sports Centre, which was closed as part of an earlier redevelopment. At this time, the College gave an undertaking in writing, that when funds became available, they would seek to make replacement indoor sports provision available. In addition, the College have also suggested that subject to further consultation, other recreational facilities could be provided and made accessible to local residents, namely, an all weather playing pitch, outdoor basketball courts and a children's play area. The release of the Covenants could also facilitate the rationalisation of the boundaries between the College land and the adjacent residential care facilities, with the land upgraded and its amenity value approved.

10. With respect to the right of first refusal for the Council to purchase the land, there has been no operational need identified for the land with respect to Council Services. In addition, the Council is already exploring the facility of construction of a new Leisure facility to replace the Swimming Pool in Waltham Abbey, and has no stated intention of funding a second. Finally, any residential development which achieved a planning permission, would contain an element of affordable housing, helping to address housing need. For these reasons, it is recommended that the Council does not exercise its pre-emption rights.

11. As with previous requests to release Covenants on the College site, the applicants acknowledge that in the case of the disposal of the Middle Site for residential purposes and the development of the playing fields for sports and education use, the Council would not be minded to issue a Deed of Release until evidence is obtained that the purchasers would complete. To this end, the College's Solicitors are proposing the following recommendation:

“A Deed of Release of the 1952 and 1955 Covenants consistent with the previous deeds of release is executed by the Council and is held in escrow pending written confirmation from the College’s Solicitors to the Council that (i) the College’s application for [outline] planning permission for the development of its new Sports, Health and Well-Being facility for the benefit of the College’s students and the wider community has been submitted to the Council’ and (ii) Contracts for the College’s sale of the Middle Site and part of the Playing Fields for residential development, conditional upon execution of such Deed of Release of the 1952 and 1955 Covenants, have been signed and are held in escrow pending execution and delivery of the said Deed of Release.”

12. Members are asked to consider the release of the Covenants to facilitate wider community and educational benefits.

Resource Implications

The Council has previously released the Covenants on the 10.3 acres of land on the Upper Site at no cost, on the basis that the Covenant was largely obsolete and, as such, of little value given the prospect of the Land Tribunal deeming it such. The same considerations apply with respect to this further release.

Legal and Governance Implications:

The Covenants are outlined in paragraph 2 of the report.

Safer, Cleaner and Greener Implications:

Any new buildings constructed would be to the requirements of modern Building Regulations with respect to energy efficiency. New community sports facilities would be a positive opportunity for local young people with a potential reduction in anti-social behaviour.

Consultation Undertaken:

Nil.

Background Papers:

Previous decision of Council to release Covenants on the site. Submission from the College Appended.

Risk Management:

No specific risks identified.

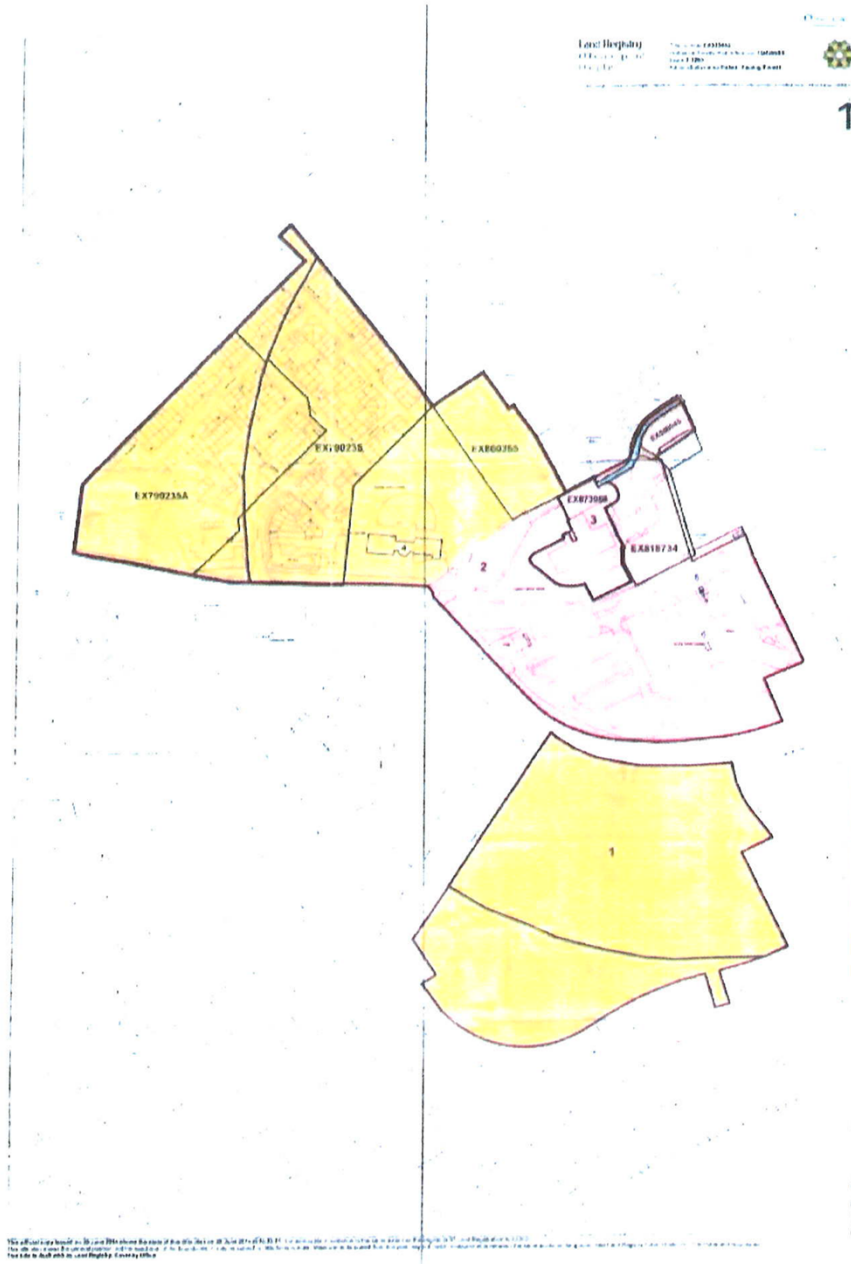
Due Regard Record

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

There are no specific equalities implications in terms of the release of the Covenants. Any replacement community sports and educational facilities provided as part of the next stage of delivery of the College's Accreditation Strategy would be accessible to all members of the public.

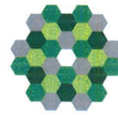
PLAN A



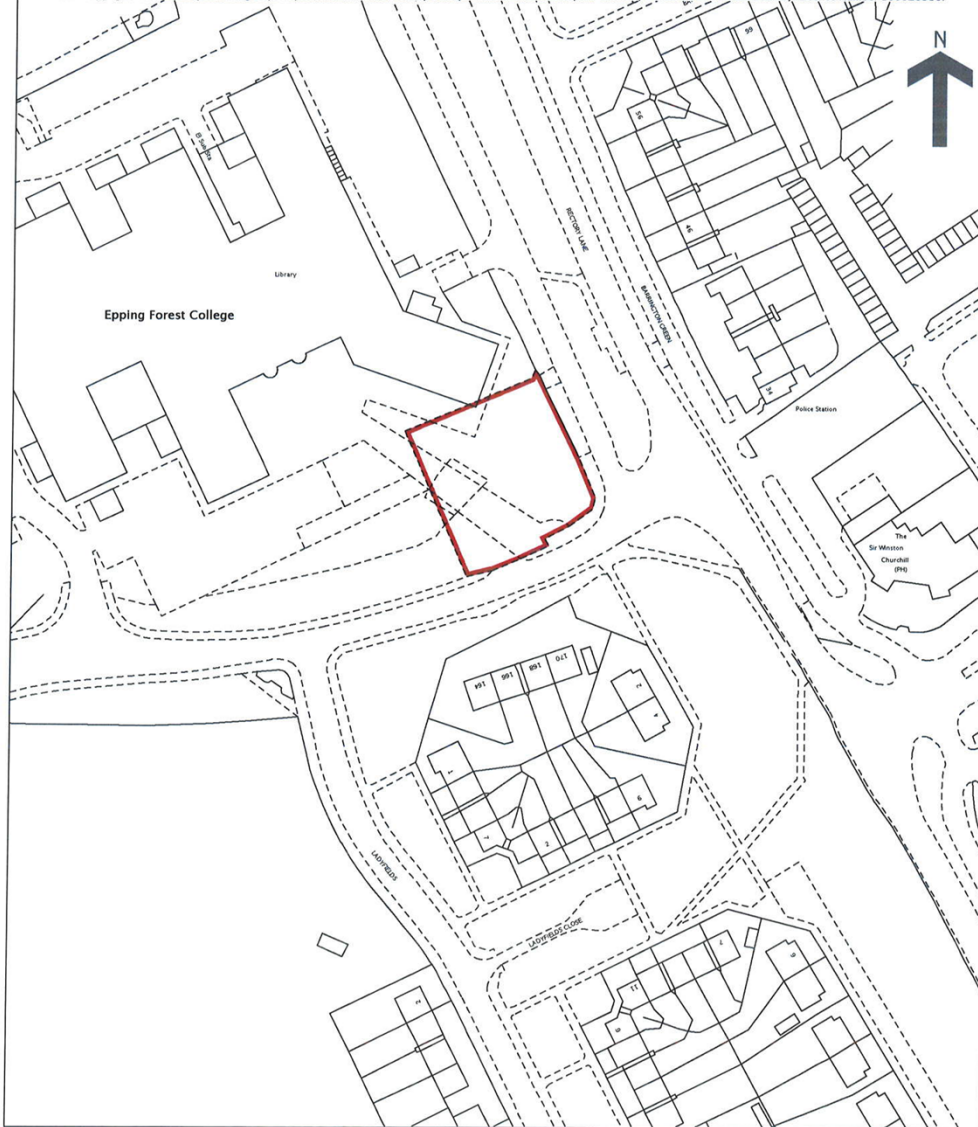
PLAN B

Land Registry
Official copy of
title plan

Title number **EX850602**
Ordnance Survey map reference **TQ4396SE**
Scale **1:1250**
Administrative area **Essex : Epping Forest**



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Report to the Cabinet

Report reference: C-019-2015/16

Date of meeting: 23 July 2015



**Epping Forest
District Council**

Portfolio: Governance and Development Management

Subject: Compensation for Missed Refuse Collections

Responsible Officer: Derek Macnab (01992 564050).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) The Council recognises the unacceptable level of service that some residents have received following the change to the revised 4 day Waste and Recycling collection arrangements;
- (2) The Cabinet notes that the refuse and recycling service is improving towards the level that is expected in the District;
- (3) That, following careful consideration and advice, it is not considered to be in the best interest of Council Tax payers, to offer individual financial compensation; and
- (4) That the Cabinet resolves to determine the correct response on a District-wide basis at the conclusion of the Scrutiny review.

Executive Summary:

As a result of a competitive procurement process, the Council appointed Biffa Municipal Ltd as its Waste, Recycling and Street Cleansing contractor from the 4 November 2014. After a mobilisation period, the contractor successfully operated the previous five-day collection regime up until the 12 May 2015. However, the transfer to revised four-day collection arrangements, which was a central feature to their tender, has brought about a significant number of missed collections. This report addresses the issues of how to deal fairly with complaints from residents as a result of the failure to collect their waste and recycling, on the days of the agreed schedule.

Reasons for Proposed Decision:

The Council has received in the region of 5400 complaints regarding missed collections from the time of the new four-day collection arrangements. Many of the complainants are seeking financial compensation. The Council is required to reach a decision on this issue in an appropriate and reasonable manner, seeking to balance the legitimate right to complain, against the best interests of the use of public funds.

Other Options for Action:

The Council could consider agreeing a set amount of compensation for each missed collection. It would be extremely difficult to verify each individual claim, particularly as

awareness of any successful claim through social media etc, would in all likelihood generate many other additional claims. The Council could agree a compensation amount at this stage before the service stabilises and risk further impacts.

Report:

1. The Council's contract with its previous Waste, Recycling and Street Cleansing Contractor came to an end after a 10 year period on the 3 November 2014. In order to secure a new service contract, a competitive procurement exercise was undertaken. The procurement methodology adopted was "competitive dialogue" by virtue of the number of potential variables, for example, the requirement for an incoming contractor to provide their own depot, due to the redevelopment of the Council's Depot in Langston Road. The procurement was led by the previous Director of Environment and Street Scene, supported by a multi-disciplinary officer team, and external consultants White Young and Green. All contractors bid on both a five day collection and four day collection arrangement. The most advantageous tender in terms of price and quality, was submitted by Biffa Municipal Ltd, who were appointed by Council in May 2014.

2. In the run up to the start of the new contract in November 2014, a mobilisation period was initiated to include all the necessary work to transfer staff and purchase the new fleet and information technology, required to deliver the proposed revised service arrangements. The contract handover went well and Biffa performed satisfactorily during the period from November up until May 2015, undertaking the previous five-day collection arrangements.

3. Residents were advised of the changes to the collection schedule by a letter to all households, as well as media releases. An on-line tool on the Council's Website, providing information on the changes planned from the 12 May 2015 was also promoted. It was anticipated, based not only on the experience of Biffa, but other authorities who have undertaken such a change to four-days, (which has been an increasing feature of municipal waste collection arrangements), that a level of disturbance was to be anticipated. Indeed, extra resource was planned, not only by Biffa, but by the Council, whose Customer Contact Team, deal with all public enquiries and the Council's Waste management staff who monitor and manage the contractual arrangements.

4. Despite prior planning, it was soon apparent that the Contractor was initially unable to successfully complete the new four-day rounds. There were several reasons for this service failure, some of which have been claimed to have been outside of the contractor's direct control, particularly with respect to technical problems with the new fleet and issues with the new customer relationship management system. This has been compounded by the unfamiliarity of the new rounds with the contractor's staff taking time to adapt the new working arrangements and information technology. The Council has already agreed to set up a review to be undertaken by the Neighbourhoods Select Committee, which will examine the reasons why the problems have occurred in detail and identify any lessons for the future. Discussions at the most senior level within the Council and Biffa continue, resulting in extra resource being introduced, to stabilise the contract.

5. However, in summary, the Council has received in excess of 17,000 telephone enquiries by residents regarding the new collection arrangements and has recorded up until early July, 5400 missed collections to be rectified. In addition, over 5000 e-mail enquiries have been received through E-refuse.

6. Again, up until early July, ninety-three residents have submitted Stage 1 Complaints and two have reached Stage II. The vast majority are seeking some form of direct financial recompense. The Council must of course consider the best overall approach in the interests of all residents. It would be time consuming and not cost effective to analyse all of the

complaints in the detail required. Nor would it take account of those who have had missed collections but not telephoned and/or formally complained.

7. The Council needs to formally adopt a considered and equitable position on this issue. There is a need to both recognise the failures and agree a consistent approach going forward. This would be expected by the Local Government Ombudsman, who will need to ultimately deal with such complaints, if residents are not satisfied with the Council's response.

8. The Council has taken reasonable measures to mitigate disturbance through prior planning and pro-active measures to respond to the problems, these include directly hiring in other external contractors to clear the backlog of those residents most badly affected. The fact that the responsibility for the failure to collect, rests with the contractor compounded by the fact that it would be almost impossible to accurately verify every claim, leads to the conclusion that to compensate individually, in the circumstances, would not be in the wider interest of all Council Tax payers in the district. This is not to say that the Council does not have the utmost sympathy with residents, who rightly expect a better service. Indeed, the Environment Portfolio Holder has apologised to the public on several occasions through the media and the Cabinet re-states that apology.

9. It is recognised that although clear improvements are being made, the waste service has not yet fully stabilised, and while every effort is being made to ensure a satisfactory service is provided from now on, it is not possible to conclude at this stage that there will be no more issues that could potentially give rise to complaints.

10. When the Neighbourhoods Select Committee completes their review of the issues a wider assessment of the impacts on an area basis will be available. At this stage Cabinet will be able to consider whether a District wide or area bases impact is observable. With this information Cabinet will be able to further assess what appropriate action should be taken

Resource Implications:

To compensate individually all possible complaints, even if verification was possible, would require a significant sum for which supplementary funding would have to be sought. It would also involve the staff who are dedicated to stabilising the service currently.

Legal and Governance Implications:

The Contract with Biffa was procured in accordance with OJEU regulations. The contract contains default mechanisms. However, after a service change a 3 month moratorium is applied.

Safer, Cleaner and Greener Implications:

The Council is a top ten recycling authority with collection rates at around 60%. The situation is being monitored to establish the effect on this performance. The new contract involves collection of additional materials in a more environmentally manner.

Consultation Undertaken:

No external consultation undertaken.

Background Papers:

Tender Documents and Contract with Biffa.

Risk Management:

Formal Risk Management arrangements applied during the procurement process. If Biffa fail to stabilise the contract and deliver the required level of service in the future, the Council may ultimately be faced with the need to consider a re-tender.

Due Regard Record

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The Council operates a system of assisted collections for residents unable to present their wheeled bins and recycling at kerbside. A number of these assisted collections have been missed and Waste Client Officers are working hard to ensure that these more vulnerable residents are assisted.

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