



***CABINET***  
***Thursday, 7th April, 2016***

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

**Council Chamber, Civic Offices, High Street, Epping**  
**on Thursday, 7th April, 2016**  
**at 7.00 pm .**

**Glen Chipp**  
**Chief Executive**

**Democratic Services**  
**Officer**

Gary Woodhall  
The Directorate of Governance  
Tel: 01992 564470  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

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

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**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 3 March 2016 (previously circulated).

**5. REPORTS OF PORTFOLIO HOLDERS**

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

**6. PUBLIC QUESTIONS**

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

**7. OVERVIEW AND SCRUTINY**

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

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

**8. ASSET MANAGEMENT AND ECONOMIC DEVELOPMENT CABINET COMMITTEE - 11 FEBRUARY 2016 (Pages 5 - 12)**

(Asset Management & Economic Development Portfolio Holder) To consider the attached minutes from the meeting of the Asset Management & Economic Development Cabinet Committee, held on 11 February 2016, and any recommendations therein.

**9. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 MARCH 2016 (Pages 13 - 18)**

(Finance Portfolio Holder) To consider the attached minutes from the meeting of the Finance & Performance Management Cabinet Committee, held on 17 March 2016, and any recommendations therein.

**10. EQUALITY OBJECTIVES 2016-20 (Pages 19 - 34)**

(Governance & Development Management Portfolio Holder) To consider the attached report (C-079-2015/16).

**11. TRANSFORMATION PROGRAMME MONITORING REPORT - FEBRUARY 2016 (Pages 35 - 44)**

(Leader of the Council) To consider the attached report (C-083-2015/16).

**12. REVIEW OF THE WASTE MANAGEMENT CONTRACT (Pages 45 - 62)**

(Environment Portfolio Holder) To consider the attached report (C-084-2015/16).

**13. SMOKING AND VAPING POLICY (Pages 63 - 82)**

(Technology & Support Services Portfolio Holder) To consider the attached report (C-081-2015/16).

**14. SMARTER WORKING FRAMEWORK - FLEXIBLE WORKING POLICY AND FLEXI SCHEME (Pages 83 - 114)**

(Technology & Support Services Portfolio Holder) To consider the attached report (C-082-2015/16).

**15. EPPING FOREST DISTRICT MUSEUM - ESTABLISHMENT OF A DEVELOPMENT TRUST (Pages 115 - 120)**

(Environment Portfolio Holder) To consider the attached report (C-085-2015/16).

**16. 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.

**17. 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	Subject	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.

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Asset Management and Economic Development Cabinet Committee	<b>Date:</b>	Thursday, 11 February 2016
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 8.20 pm
<b>Members Present:</b>	Councillors W Breare-Hall (Vice-Chairman), H Kane, S Stavrou, G Waller and C Whitbread		
<b>Other Councillors:</b>	Councillors H Kauffman and J M Whitehouse		
<b>Apologies:</b>	Councillor A Grigg		
<b>Officers Present:</b>	D Macnab (Deputy Chief Executive and Director of Neighbourhoods), Q Buller (Local Strategic Partnership Manager), K Pabani (Chief Estates Officer), K Polyzoides (Assistant Director (Policy & Conservation)), J Leither (Democratic Services Officer) and S Mitchell (PR Website Editor)		
<b>Also in attendance:</b>	C Pasterfield (Asset Management Development Consultant), L Edwards (Colliers International) and A Charalambous (White Young Green)		

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### 34. WEBCASTING INTRODUCTION

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

### 35. SUBSTITUTE MEMBERS

The Cabinet Committee noted that Councillor C Whitbread substituted for Councillor A Grigg.

### 36. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in agenda item 6, St John's Road Development by virtue of being an Essex County Councillor, an Epping Town Councillor and a resident of St John's Road, Epping. The Councillor had determined that his interest was non-pecuniary but would leave the meeting if the discussion became too detailed.

### 37. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 10 December 2015 be taken as read and signed by the Chairman as a correct record, subject to the Declarations of Interest, where Councillor J Whitehouse declared that he was an Essex County Councillor, which was omitted.

### 38. ASSET MANAGEMENT CO-ORDINATION GROUP REPORT

The Director of Neighbourhoods presented a report to the Cabinet Committee and updated them on further progress which had been achieved since the publication of the Agenda.

(1) **Epping Forest Shopping Park** – There was a separate report before the Cabinet Committee at Agenda Item 11 which would be heard in private session.

(2) **Oakwood Hill Depot** – Construction of the new depot was progressing, the contract was at week 24 out of a contract period of 36 weeks. The cladding was complete, the windows were installed and the inside building works were complete. The Section 278 road works to relocate the bus stop and install traffic islands commenced on the 26 January. There were regular meetings and the Depot was on schedule to complete in April 2016.

(3) **Pyrles Lane Nursery** – A revised planning application for the site would be considered by the District Development Management Committee on the 24 February 2016. It was hoped that the revised application would resolve some of the concerns regarding density and access on which the application was originally refused. The redesign had widened the access from 4.1m to 4.3m which would help vehicle access and include a pedestrian footpath.

(4) **St John's Road** – One of the major delays on this scheme was getting an agreement between Essex County Council (ECC) and the developer Frontier Developments with respect to an overage agreement that ECC required to be put into place to protect their position, in the event that the component parts of the scheme, which currently met the design and development brief, were to change or there was to be an excessive developers profit.

Epping Forest District Council hosted a meeting on the 29 January, with senior officers of ECC and directors of Frontier Developments. A number of issues were discussed and negotiations should be completed by the end of the month. It was hoped that an indicative time table with key milestones would be available at the next meeting.

Options were being looked at to temporarily use the land. A car park had been suggested, but this was deemed as not viable due to issues around security and the comparative quality of provision with regard to the adjacent car parks which were fully covered by CCTV and had new pay and display machines. Once the land came into the Council's ownership this would be revisited.

(5) **North Weald Airfield** – At their meeting on 3 December 2015, the Cabinet agreed with the results of a marketing exercise for an Operational Partner at North Weald Airfield and this would go out to advert in April/May 2016.

(6) **Sir Winston Churchill / The Broadway, Debden** – The development was now in the hands of Higgins Construction who were developing the site. Completion was originally due July 2017 but problems have arisen with the ground being too soft and the piling going very slow.

There was an area to the rear of the Sir Winston Churchill site which was being considered for affordable housing. Moat Homes, a housing association were going to develop this area building approximately 15 units but with the Governments change in the rental arrangements they have determined that this was no longer affordable.

This was now going through the Council House-building programme to present options to Members on how the Council should take this site forward.

Officers of the Asset Management team have recently come into possession of the mandate for the letting of the ground floor retail space and agents Latham High were advising of the various merits of apportioning the space and the advising on the kind of tenant we could expect to attract. This will be guided by Higgins with regard to the timescale.

(7) **Ongar Academy** – A full planning application had now been received and would be considered by the District Development Management Committee early this year. It was hoped that the new school would be ready to take year 7 pupils in at the start of the school year in September 2017.

(8) **Town Mead Depot** – As a result of the Environment Agency's advice that this site was not suitable for any form of residential development other options were being considered.

(9) **Hillhouse Leisure / Community Hub** – Five companies had been invited to tender for the Leisure Management Contract. The proposal was for a new Waltham Abbey Leisure Centre which would house a new swimming pool and a new Health Centre and the potential for care and independent living accommodation to be provided by Essex County Council. There would be community consultation events scheduled for late May 2016.

**Resolved:**

To note the progress on the Council's Asset Management and Development Projects.

**Reasons for Decision:**

To comply with the Cabinet Committee's previous request to monitor the development of the Council's property assets on a regular basis.

**Other Options Considered and Rejected:**

None, as this monitoring report was for information not action.

**39. ECONOMIC DEVELOPMENT TEAM PROGRESS REPORT**

The Local Strategic Partnership Manager presented a report to the Cabinet Committee and updated them on a number of projects and issues being explored by the Economic Development Team.

(1) **Visitor Economy** – The Visit Epping Forest 2016 Tourism Conference was taking place on the 4 March 2016 at Marriott Hotel, Waltham Abbey. Key speakers had been booked including Michael Veasey of Eastern Plateau/ BEST Growth Hub, Del Goddard of Vibrant Partnerships and George Kieffer of Visit Essex. After a soft launch within the winter tourism e-newsletter there are already over 40 delegates booked in and a dedicated campaign will promote the event throughout January and February.

Two new display banners have been produced for the use of tourism members at events. They were used at the Visit Epping Forest stand at the 2016 Excursions trade show at the Alexandra Palace.

Work had started on a new website following recommendations for an upgraded site as a key outcome from tourism workshops in 2015. The new site will work across all devices and contain information on different areas of the district as well as the key visitor attractions and an improved "What's On" page. Accessibility for easy updating and editorial control will be included via a new Content Management System (CMS).

An updated general area leaflet was being produced which would contain information about the different areas of the district. Display units for the leaflets were also being ordered to be sited in a wider range of local outlets.

(2) **Town Centres** – The Economic Development Officers were working with the Waltham Abbey Town Partnership. They had been successful in acquiring funding from Essex County Council's Community Initiatives Fund to commission consultancy support to design a wayfinding project for Waltham Abbey's town centre.

There were five applications, varying in scale and nature, either under consideration or approved within EFDC's Town & Village Centres Opportunities Fund. There was a further bid that was currently being prepared for submission to the Fund and this would be encouraging partners to consider further bids at the District Town Centres Team meeting.

(3) **Business Support** – The Economic Development Team (EDT) were working with BEST Growth Hub to promote and encourage take-up of its services by our local business community.

The team were promoting a suite of free workshops for start-up and established businesses across Essex from January to March and have had confirmation that four of these sessions will be held at Epping Rugby Club and Epping Forest College. BEST will also have a presence at the Tourism Conference and the EDT are exploring opportunities for some different format events i.e. drop-in surgery session for businesses or a Pop-up Business Café.

The next edition of One Business Briefing is currently being compiled and would be distributed to business contacts and partners during February.

(4) **Superfast Essex / Rural Challenge Project** – The build phase of the Superfast Essex Rural Challenge Project continued to make progress in the Bobbingworth and Moreton areas of the district. A second fibre cabinet has been built just outside Fyfield and works to connect up this cabinet to the wider network have also begun. The first customer of the Gigaclear ultrafast network was connected and went live just before Christmas, with the event being marked by a visit to Bobbingworth by Ed Vaizey, MP, Minister of State for Culture and the Digital Economy. The next cabinet planned for the network will be located in the Norton Heath area.

Superfast Essex will be running a series of digital workshops to encourage more business take-up. One of the workshops would be about 'How to stay ahead of competitors online' and will be hosted in Ongar on 3 March 2016 at the Essex Technology & Innovation Centre. It was planned to promote these workshops and a digital toolkit, also developed by Superfast Essex, in the next edition of One Business Briefing.

(5) **Partner Liaison** – The EDT continued to liaise with, support and attend meetings with a number of Partner Organisations. These included, at varying intervals:



- Essex County Council
- South East Local Enterprise Partnership (SE LEP)
- Invest Essex and Essex Innovation Programme
- Lea Valley Food Taskforce
- Essex Economic Development Officer group
- Essex Tourism Officer Group
- Epping Forest District Town Team
- Eastern Plateau Local Action Group
- Stansted Airport Local Authority Forum
- Tourism & Visitor Board
- West Essex Skills & Learning Forum
- Waltham Abbey Town Partnership
- One Epping Forest

The EDT was represented at a new grouping in January termed the West Essex Economic & Investment Officer Forum. This new group has been well received by partners and had been established to help communication foster a stronger common understanding of the issues and projects across West Essex and to ensure that West Essex had a joined-up voice (when inputting into LSCC, SE LEP etc.). The meeting was attended by Officers from Epping Forest District, Harlow, Uttlesford and Essex County Council (Economic Regeneration, Inward Investment and Highways).

The Team had also been represented at the Essex Economic Development Officers Group in January 2016. As well as being a valuable forum at which we gleaned great information on business funding and support, activity at Essex County Council etc., it was an introduction to the operation of the Hive Enterprise Centre in Southend.

**Resolved:**

To note the progress and work programme of the Council's Economic Development Section.

**Reasons for Decision:**

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

**Other Options Considered and Rejected:**

None, as this monitoring report was for information not action.

**40. NORTH WEALD AIRFIELD - COMMUNITY DAY**

The Director of Neighbourhoods presented a report to the Cabinet Committee regarding the Community Day to commemorate the 100<sup>th</sup> anniversary of North Weald Airfield.

The Director advised that a Community Day event had been hosted at North Weald Airfield since 2008, which celebrated the proud history of the Airfield and demonstrated the diversity of uses and provided an opportunity for local voluntary sector organisations to showcase their services.

In August 2016, North Weald Airfield became operational as a Home Defence Flight Station, It was therefore intended that this year's Community Day formed the centrepiece of the 100 Year Anniversary celebrations. Weald Aviation have indicated

that they were willing to undertake the lead role in organising the event in liaison with the District Council, and were prepared to underwrite the event with respect to funding infrastructure/deposits on bookings etc. A date has been selected for the 17 July 2016 and the Battle of Britain Memorial Flight have been advised in order to ascertain their availability. It should be noted that, whilst as in previous years, the intention was to include a flying element this will not constitute an air display with high velocity manoeuvres, but rather a series of fly-pasts in accordance with current CAA guidance regarding Airshows.

**Resolved:**

To note progress on planning for the North Weald Airfield Community Day 2016.

**Reasons for Decision:**

Members requested an update report on the event at their previous meeting.

**Other Options Considered and Rejected:**

None.

**41. ANY OTHER BUSINESS**

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

**42. 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>
11	Epping Forest Shopping Park – Marketing Report	3

**43. EPPING FOREST SHOPPING PARK - MARKETING REPORT**

The Director of Neighbourhoods presented a report to the Cabinet Committee and updated them on further progress which had been achieved since the publication of the Agenda.

Consultants from Colliers International and White Young Green attended the meeting and reported that the first stage tender process was now closed and the evaluation process would start on the 15 February 2016. It was hoped to appoint a Contractor in May/June 2016 where the contract would run for approximately 9 months. Negotiations were progressing with various outlets who were showing interest in renting units at the Epping Forest Shopping Park. The overall picture was looking extremely good now everything was anticipated to achieve completion early in 2017.

**Resolved:**

- (1) To note the marketing report from Colliers International and Harvey Spack Field regarding progress on the leasing of units in the Epping Forest Shopping Park.
- (2) To note the report on Project Management from White Young Green regarding the procurement of the main construction contract for Epping Forest Shopping Park and general progress.
- (3) To note that the revised tender date for the Shopping Park main contract was for submissions by 1 April 2016.

**Reasons for Decision:**

To comply with the Cabinet Committee's previous request to monitor the development of the Council's property assets periodically and in particular report in detail on progress relating to the development of the Epping Forest Shopping Park.

**Other Options Considered and Rejected:**

To report direct to Cabinet.

**CHAIRMAN**

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Finance and Performance Management Cabinet Committee **Date:** Thursday, 17 March 2016

**Place:** Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.00 - 7.35 pm

**Members Present:** Councillors C Whitbread (Chairman), J Philip and D Stallan

**Other Councillors:**

**Apologies:** S Stavrou and A Lion

**Officers Present:** R Palmer (Director of Resources) and R Perrin (Democratic Services Officer)

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### 48. Appointment of Chairman

In the absence of the Chairman, who had tendered her apologies, the Leader became the Chairman.

#### **RESOLVED:**

That, in the absence of the Chairman, Councillor C Whitbread be appointed as Chairman for the duration of the meeting.

### 49. Declarations of Interest

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

### 50. Minutes

#### **RESOLVED:**

That the minutes of the meeting held on 21 January 2016 be taken as read and signed by the Chairman as a correct record.

### 51. Key Performance Indicators - 2015/16 Quarter 3 Performance, and 2016/17 Targets

The Director of Resources presented a report on the Quarter 3, Key Performance Indicators 2015/16.

The Director of Resources reported that the Council was required to make arrangements to secure continuous improvement in the way in which its functions and services were exercised, having regard to a combination of economy, efficiency and effectiveness. As part of the duty to secure continuous improvement, a range of Key Performance Indicators (KPI) relevant to the Council's service priorities and key

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objectives were adopted each year. Performance against all of the KPIs was reviewed on a quarterly basis.

A range of thirty-six Key Performance Indicators (KPI) had been adopted for 2015/16 in March 2015. The KPIs were important to the improvement of the Council's services and comprised of a combination of former statutory indicators and locally determined performance measures. The aim of the KPIs was to direct improvement effort towards services, the national priorities and local challenges arising from the social, economic and environmental context of the district.

Progress in respect to all of the KPIs was reviewed by Management Board and Overview and Scrutiny at the conclusion of each quarter. Service Directors reviewed KPI performance with the relevant portfolio holder(s) on an on-going basis throughout the year and Select Committees were each responsible for the review of quarterly performance against specific KPIs within their areas of responsibility.

The position with regard to the achievement of target performance for the KPIs at the end of the third quarter (31 December 2015) was as follows:

- (a) 28 (78%) indicators achieved third quarter target performance;
- (b) 8 (22%) indicators did not achieve third quarter target performance,
- (c) 0 (%) of these KPIs performed within the agreed tolerance for the indicator;
- (d) 28 (78%) indicators were currently anticipated to achieve the cumulative year-end target;
- (e) 6 (17%) were currently not anticipated to achieve the cumulative year-end target, whilst a further 2 (6%) were uncertain as to whether they would achieve the cumulative year-end target.

The adoption of challenging but achievable KPIs each year was a key element of the Council's Performance Management Framework. The continued relevance of the existing KPI set for 2016/17 had recently been considered by Management Board. The current suite of measures was considered appropriate for the ongoing evaluation of relevant performance factors, with some changes and it was proposed that NEI002 - Waste Recycling was deleted and separated out into 2 new indicators which would provide greater clarity around performance.

The Director of Resources advised that RES001 (Sickness absence) would not achieve the year-end target but it had improved compared to the previous year and training for all Managers around stress awareness had almost been completed.

The Service Directors had identified provisional targets for each indicator with the relevant portfolio holder(s), based on third-quarter performance and the estimated outturn position for the current year, resulting in some targets being either increased or decreased for 2016/17. Any revisions to targets on the basis of the outturn position would be reported to the Committee and the appropriate select committees in June 2016. The Committee was requested to agree the proposed KPIs and targets for 2016/17.

Councillor D Stellan asked that the wording for RES001 be changed from 'decreased' to 'increased' so that it was clearer.

Councillor J Philip enquired about the Communities KPIs that had achieved more than 100%. The Housing Portfolio Holder advised that this was due to rent arrears being included within the KPI.

**Resolved:**

(1) That the Quarter 3 performance for the Key Performance Indicators for 2015/16 be noted; and

(2) That the proposed Key Performance Indicators and targets for 2016/17 be agreed.

**Reasons for Decision:**

The KPIs provide an opportunity for the Council to focus attention on how specific areas for improvement would be addressed, and how opportunities would be exploited and better outcomes delivered. It was important that relevant performance management processes were in place to review and monitor performance against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under performance.

**Other Options Considered and Rejected:**

No other options were appropriate in this respect. Failure to review and monitor performance could mean that opportunities for improvement were lost and might have negative implications for judgements made about the progress of the Council.

**52. Quarterly Financial Monitoring**

The Director of Resources presented the Quarterly Financial Monitoring report on key areas of income and expenditure which covers the period from 1 April 2015 to 31 December 2015. The report provided details of the revenue budgets for both the Continuing Services Budget, District Development Fund and the capital budgets which included the details of major capital schemes. The salaries monitoring data was also presented as well, because it represented a large proportion of the authorities expenditure and was an area where historically large under spends had been seen.

The Cabinet Committee noted that the Salaries budget showed an underspend of £284,000 or 1.8%. The vacancy allowance had been removed from the budget when it was revised and allocated to the areas where vacancies had actually occurred and still showed an underspend. The Communities Directorate showed the largest underspend of £124,000, which related to the Housing works Unit and the other three directorates were all showing an underspend, although less significant. The investment interest levels were below expectations at Month 9 by £6,000 and whilst cash balances available for investment had reduced, the income from the loan to Biffa had offset this to a degree.

Within the Governance Directorate, Development Control income for Fees and charges were £34,000 higher than budgeted and pre-application charges were £13,000 higher and the total income was £62,000 above expectations. The Building Control income was £6,000 higher than budgeted and the ring-fenced account was showing an in-year surplus of £53,000 with the expected surplus of £13,000 being revised upwards to £47,000 for the full year.

Within the Neighbourhoods Directorate, Public Hire licence income and other licensing were now above expectations. The income from MOT's carried out by Fleet Operations was £4,000 below expectations and the revised budget showed a deficit of £6,000. The Car Parking income was £31,000 below the estimate and the Pay and

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display income was in line with the profiled budget. The Local Land Charge income was £8,000 above the revised expectation and there had been significantly fewer searches undertaken this year compared to the same period last year.

Within the Communities Directorate, the Housing Repairs Fund showed an underspend of £366,000 and the budget had been reviewed with some savings being identified. There was also a significant variance on HRA Special Services which related partly to heating and lighting and work undertaken by Smith Bellerby.

The Business Rates Retention Scheme had been in operation for three years and whereby a proportion of rates collected were retained by the Council, there were two aspects to monitor which were the changes in the rating list and the collection of cash. For 2015/16 the funding retained by the authority after allowing for the Collection Fund deficit from 2014/15 was £3,363,000, which exceeded the government baseline of £3,022,000 by some £341,000. The actual position for 2015/16 would not be determined until May 2016. Regarding the cash collection, at the end of December the total collected was £28,006,359 and payments out were £25,614,207, which meant that the Council was holding £2,392,155 of cash and so the Council's overall cash position was benefitting from the effective collection of non-domestic rates. The budget had revealed that all Schools would be converted into academies, which would give them a charity status and therefore reducing the business rates collected by the Council.

There were three projects included on the Major Capital Schemes schedule relating to the Museum redevelopment, House Building package 1 and The Epping Forest Shopping Park. Annex 12 gives more detail.

In conclusion, the Director of Resources stated that with regards to revenue, income was generally up on expectations and expenditure was down. The increased income levels were very much welcome from Development and Building Control in particular and expenditure being below budget was not surprising as expenditure was usually heaviest toward the end of the financial year.

Councillor D Stallan raised concerns over the income from MOT's carried out by Fleet Operations being below expectations. The Director of Resources advised that he would look into why there had been a reduction.

Councillor J Philip enquired about the figures in relation to Housing Estate Parking and Solar Energy Panels being incorrect. The Director of Resources advised that they would be corrected for the relevant Select Committees, when they considered them at their next meeting.

**Resolved:**

(1) That the Quarterly Financial Monitoring Report for the period 1 April 2015 to 31 December be noted.

**Reasons for Decision:**

To note the third quarter financial monitoring report for 2015/16.

**Other Options Considered and Rejected:**

No other options available.

**53. Risk Management - Corporate Risk Register**



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 18 February 2016 and Management Board on 2 March 2016. These reviews identified amendments to the Corporate Risk Register but no additional risks or scoring changes and were as follows:

(a) Risk 1 - Local Plan

Additional vulnerabilities had been added which centred on the potential delay of seeking approval from Highways England on the strategic modelling and protracted process in achieving local highway modelling. The consequence of these delays underlined the possibility of the loss of control of the Local Plan and also the potential loss of New Homes Bonus. Existing Controls/Actions had been added to advise that the Council was lobbying DCLG and Local Members of Parliament (MP) and also continuing to work closely with Essex County Council. The Required Further Management Action advised the need for a joint letter from Council leaders to local MP's.

The retention of Planning Policy staff had also been identified as a vulnerability to the Local Plan risk. It was felt that consideration should be given to outsourcing aspects of the work. A buoyant Planning job market within Essex had been identified as the trigger with the consequence being the delivery of the Local Plan to timetable.

(b) Risk 2 - Strategic Sites

The Effectiveness of controls/actions had been amended to advise the updated position for the key sites. The Winston Churchill site had groundworks underway and agents appointed to let the retail space. Final tender submissions for the Langston Road site were expected by 1 April with good progress being made on pre-lets. An outline specification for North Weald Airfield had commenced.

(c) Risk 4 - Finance Income

The Key Date had been amended to advise that the revised scheme for New Homes Bonus was likely to be issued in late summer 2016.

(d) Risk 6 - Data / Information

The Effectiveness of Control had been amended following a minor data loss.

Members were asked to consider the updated Corporate Risk Register and whether the risks listed were scored appropriately, if there were any additional risks that should be included and to note the annual review of the corporate risk management documents.

The Cabinet Committee were very concerned about the Local Plan and the problems around staff retention within Planning Policy. This would need to be monitored very closely because of the impact of the New Homes Bonus and the threat of the Government imposing a Local Plan on the Council. The Director of Resources advised that local authorities in general were not holding up development projects but that it was the developers themselves and this was a concern that the Council could get penalised for this.

**Recommended:**

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

**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.

**54. Any Other Business**

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

**CHAIRMAN**



## **Epping Forest District Council**

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### **Report to Cabinet**

**Report reference: C-079-2015/16**

**Date of meeting: 7 April 2016**

**Portfolio: Governance and Development Management**

**Subject: Equality Objectives 2016-2020**

**Responsible Officer: Barbara Copson (01992 564042)**

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

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#### **Recommendations/Decisions required:**

(1) That subject to the views of the Overview and Scrutiny Committee, the Council's Equality Objectives and Action Plan for 2016-2020, be agreed.

#### **Executive Summary:**

The Council is required to publish equality objectives every four years to take forward its public sector equality duty. This duty requires that we proactively consider how discrimination can be addressed through the work that we do, and also whether we can advance equality of opportunity and encourage good relations between different protected groups. The setting of objectives provides a focus on the outcomes to be achieved during the next four years.

In 2012 the Council adopted equality objectives which reach the end of their lifespan in March 2016. New objectives have been developed to take the Council up to April 2020, and because the objectives must be specific and measureable, an action plan has been developed to deliver them.

Cabinet is asked to consider and approve the adoption of the proposed equality objectives and action plan for 2016-2020.

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

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

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

Cabinet could decide not to adopt one or more of the proposed objectives, or to adopt alternative objectives. However there is no alternative option to the setting and publishing of one or more equality objective for the period 2016-2020.

#### **Report:**

1. In March 2012 the Council published its first set of equality objectives designed to provide focus for the Council's work to deliver its public sector equality duty, and thereby advance equality for service users and employees. The duty requires public authorities to at all times have due regard to the following three aims:

- (i) to eliminate unlawful discrimination, harassment and victimisation;
- (ii) to advance equality of opportunity between different groups; and
- (iii) to foster good relations between different groups;

and the objectives set met one or more of these aims and were designed to help the Council to fulfill that duty. This first set of four objectives targeted:

- (i) equality intelligence gathering and the use of that intelligence in service planning;
- (ii) the development of equality ownership;
- (iii) improving engagement activities; and
- (iv) work to allow for a balanced workforce profile.

2. An action plan to deliver the objectives was adopted, which, as a working document, was subject to further development as the work progressed over its four year lifespan. The progress of work to deliver the action plan has been coordinated by the Corporate Equality Working Group (CEWG), chaired by the Director of Governance, and reported to Management Board and the Governance Select Committee at 6 monthly intervals. The lifespan of these objectives comes to an end in March 2016, and over their lifespan, considerable progress has been made and the objectives have been largely achieved.

3. Over the last year the CEWG has been engaged in the development of a new set of objectives to take the Council forward until March 2020. Whilst the number of objectives the Council must adopt is not prescribed in the legislation, like all equality work, the number and focus must be reasonable and proportionate to the size of the organisation and its functions.

4. This new set of objectives is designed to address the challenges still faced by the Council to embed equality into all its activities and seeks to build upon the progress already achieved. Evidence to support the identification of themes for objectives was scoped, together with feedback from CEWG representatives and a review of work to date. The draft action plan, attached at Appendix A, also seeks to help to deliver the Councils Key Objectives and Transformation Programme, where relevant.

5. The CEWG has consulted with directorates at all stages of the development of the objectives and action plan, and Management Board and Governance Select Committee at key stages of their development. Procurement Steering Group has been consulted in relation to objective 2. Four objectives are proposed and are set out below together with a brief outline of the reasons for their proposal:

**Objective 1: To integrate the Council's public sector equality duty into our partnership working.**

6. The public sector equality duty is relevant across the full range of its activity including its work through partnerships. The duty also applies to its public sector partners and it may be the Council can access good practice or share work to comply with the duty.

**Objective 2: To apply robust equality requirements in commissioning, procurement and contract management.**

7. Procurement by local authorities is identified by the government as a key area for the development of equality and where there is the potential to improve the lives of people. Whilst it is evident there is some consideration of equality in our procurement practices, procurement has not been a focus for equality work to date, and integration is required if the duty is to be fully met.

**Objective 3: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans.**

8. Employee understanding of Council requirements remains important. Whilst some progress has been made in the course of the current set of objectives, the CEWG considers there is the potential to refine and refocus training for employees to reflect the Council's current position.

**Objective 4: To improve and develop equality in our business activities.**

9. This includes projects and reviews, and along with Objectives 1 and 2, seeks to build on progress already made in integrating equality into service planning and delivery, and extend it into our wider activities, and at an earlier stage of our investigation and research.

10. The Council is subject to a further duty to publish equality information annually to show progress against the public sector equality duty, and progress against the equality objectives action plan forms part of this information. We are also required to understand the impact of our services and activities on people from the protected groups and a separate programme of analysis runs alongside and will inform the work contained in this action plan.

11. Whilst there is no obligation to produce an equality scheme, CEWG considers it a useful way of communicating the Council's intentions and approach to this area of work. It is intended that subsequent to the adoption of a new set of equality objectives, the existing scheme will be reviewed and updated to reflect them.

12. The Cabinet is requested to consider and agree the proposed equality objectives for 2016-2020, and action plan to deliver them subject to the views of Overview and Scrutiny Committee. This report will be considered by Overview and Scrutiny Committee at its meeting on 19 April 2016.

**Resource Implications:**

The achievement of the Council's corporate equality responsibilities in relation to the proposed objectives can be met from existing resources.

**Legal and Governance Implications:**

The adoption of equality objectives to progress the public sector equality duty is in compliance with The Equality Act 2010.

**Safer, Cleaner and Greener Implications:**

None relating to this report. Relevant implications arising from actions to deliver specific equality objectives for 2016-20, will be identified by the responsible service director.

**Consultation Undertaken:**

Directorates at key stages of objective identification and development  
Management Board 13 May 2015 and 4 November 2015  
Governance Select Committee 7 July 2015 and 1 December 2015  
Procurement Steering Group 4 February 2016

**Background Papers:**

Equality Objectives 2012-16  
Management Board reports 2 March 2016, 13 May 2015 and 4 November 2015

**Risk Management:**

None arising from this report. Relevant risk management issues arising from actions to achieve specific equality objectives will be identified by the responsible service director.

# Due Regard Record

**SUBJECT:** Equality Objectives 2016 - 2020

**REPORT TO:** Cabinet (7 April 2016)

<b>Date/Officer</b>	<b>Summary of equality analysis</b>
3 March 2016  B Copson	This report seeks to ensure the development and coordination of a corporate approach to the Council's statutory equality duties. Actions discussed in this report cover the full range of the Council's services, and its dual role of service provider and employer. Whilst no equality implications arise from this report, the appropriateness of actions to deliver the objectives, together with the successful achievement of the objectives, have the potential to impact on service users and employees across all the protected characteristics.

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## Equality Objectives Action Plan 2016-2020

**Objective 1: To integrate the Council's public sector equality duty into our partnership working**

Ref	Action	Measures (measurable outcome)	Responsibility	Milestones	Deadline
1.	Include the Council's equality requirements in terms of reference or service level agreement as appropriate, of <i>new</i> partnerships.	Partnerships which take forward the Council's equality duty	Senior Performance Improvement Officer	Include as a requirement in business plan guidance	March 2017
			All Directors	EFDC equality requirements included in governance arrangements of new partnerships	March 2020

## Equality Objectives Action Plan 2016-2020

2.	Reflect the Council's public sector equality duty in governance documentation relating to partnerships listed in the Corporate Community Partnerships Register	The basis and mandate for the inclusion of the public sector equality duty in our work with partner organisations	All Directors with partnership responsibility	Review governance documents of partnerships listed in the Corporate Community Partnerships Register: to establish inclusion of the Council's public sector equality duty	March 2017
				For partnerships not already reflecting the public sector equality duty in governance arrangements: <ul style="list-style-type: none"> <li>identify the partnership governance arrangements review process and review opportunity;</li> <li>implement inclusion</li> </ul>	Sept 2018  March 2020
3.	Include equality outcomes as a criterion in the community grant allocation process	Grant provision which addresses inequality	Communities (Assistant Director Community Services and Safety)	Draft criteria produced and considered by O&S Task and Finish Group and Cabinet	March 2017
				Criteria adopted and implemented	March 2017

## Equality Objectives Action Plan 2016-2020

4.	Each directorate to be responsible for organising the programme of work experience for 3 young people each year 2016-2020	Young people are helped to acquire the skills and access to work	Resources (HR officers to coordinate) / All Directors	HR to work with Directorates to help develop relevant programmes	August 2016
				Directorates develop and implement programme	September – August each year from September 2016
5.	Work with partners to help older people to reduce the impacts of isolation as identified in the Impact of the Aging population Study	Reduce isolation in rural locations	Communities (Assistant Director Community Services and Safety)	Deliver a series of Older People's engagement events	Ongoing from April 2016
				Work with partners to establish EF Dementia Action Alliance	Commence April 2016
				Pursue Dementia Friendly Services and Communities linked to above	Commence April 2016
				Work with NHS and ECC colleagues to deliver Early Intervention initiatives in EF	Commence April 2016

## Equality Objectives Action Plan 2016-2020

### Objective 2: To apply robust equality requirements in commissioning, procurement and contract management

Ref	Action	Measures	Responsibility	Milestones	Deadline
1.	Review Procurement Strategy to ensure it reflects EHRC <i>'Buying better outcomes: Mainstreaming equality considerations in procurement'</i> guidance requirements	Consideration of equality embedded in Procurement Strategy	Procurement Steering Group		March 2017
2.	Review procurement Toolkit and guidance to ensure they reflect EHRC <i>'Buying better outcomes: Mainstreaming equality considerations in procurement'</i> guidance requirements for guidance documents	Consideration of equality embedded in Procurement Toolkit and Guidance	Procurement Steering Group		September 2016
3.	At next review opportunity undertake a review of Standing Orders to ensure they reflect EHRC <i>'Buying better outcomes: Mainstreaming equality considerations in procurement'</i> guidance where appropriate	Standing Orders reflect the EHRC guidance for equality in procurement	Director Governance		March 2020

## Equality Objectives Action Plan 2016-2020

4	Review Standing Orders user guide to ensure they reflect EHRC <i>'Buying better outcomes: Mainstreaming equality considerations in procurement'</i> guidance where appropriate	Consideration of equality embedded in Standing Orders User Guide	Procurement Steering Group		March 2017
4.	<p>Ensure requirements for procurement business cases and specifications include the following equality considerations:</p> <p>Mandatory consideration:</p> <p>(a) Relevance to equality</p> <p>Considerations where equality is relevant; and applied in a proportionate way:</p> <p>(b) Added value potential;</p> <p>(c) Reasonable adjustments requirements;</p> <p>(d) Positive action which can be delivered through the procurement;</p> <p>(e) Monitoring requirements,</p>	Business cases and specifications include a consideration of equality, and record appropriate equality considerations	Directors		April 2016

## Equality Objectives Action Plan 2016-2020

	responsibilities, and arrangements;  (f) How requirements lots can facilitate equality.				
5.	Ensure PQQ suitability questions include, where relevant, demographic data and analysis of needs to help contractors to respond.	Relevant equality information is provided to contractors via the PQQ	Directors		April 2016
6.	Ensure arrangements for procurement activity advertising, includes a consideration of equality where relevant.	Advertising tailored to sector and size of supplier with capability to deliver requirements	Directors		April 2016
7.	Include equality clauses and requirements in tendering documents where relevant.	Equality requirements are included in tendering documents	Directors		April 2017
8.	Ensure contract management and control process include monitoring of equality requirements	Equality requirements are monitored	Directors		April 2016

## Equality Objectives Action Plan 2016-2020

9.	Ensure equality benefits derived through procurement are recorded	Information about lessons learned is disseminated via the Intranet/Z Drive	Directors		March 2017
10.	Ensure equality lessons learnt through procurement contracts are captured and applied to future contracts	Information about lessons learnt is disseminated via the Intranet/Z Drive	Directors		March 2017

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**Objective 3: To develop our capacity so that our employees have the knowledge, skills and confidence to deliver our plans**

Ref	Action	Measures	Responsibility	Milestones	Target dates
1.	Provide relevant equality training for employees and ensure future provision builds on training provision to date and targets corporate aims and objectives	Increased value to the Council and the individual of investment in training deployment	Resources (Learning and Development manager)	Training need identified and quantified	March 2017
				Training provision sourced	September 2017
				Training included in the Corporate Training Programme	April 2018

## Equality Objectives Action Plan 2016-2020

2.	Update Procurement e-learning module to reflect equality requirements set out in Procurement Toolkit and Guidance / Standing Orders / Procurement Strategy	Officers are trained to meet Corporate requirements for procurement activities	Learning and Development Manager / Senior Procurement Officer	Procurement e-learning module reviewed and areas for development identified	March 2017
				E-learning module developed as appropriate	
				Module included in Corporate Training Programme	
3.	Review, evaluate and make improvements (where necessary) to the process for providing members with relevant equality information to support decision making (due regard record process).	Improved provision of relevant equality information to Members	Governance (PIU)	Review Due Regard Record system and evaluate	March 2017
				Identify and develop improvements where necessary	October 2017
				Gain approval of CEWG MB, and appropriate members	
				Promote with staff via District Lines and member Forums	April 2018



## Equality Objectives Action Plan 2016-2020

				Include in member Training	2017/18 programme	
4.	Develop system for including relevant equality information in licencing and planning decision making	Relevant equality information provided to licencing and planning decision making bodies	Governance (PIU), (Development Management ) / Neighbourhoods (Neighbourhood Services)	Liaise with NR and JN to identify process and required tools	June 2016	
				Develop system and gain approvals from CEWG, MB, and appropriate PFHs	December 2016	
				Promote with staff via District Lines	March 2017	
				Include in Member Training Programme	2017/18 programme	
5.	Develop, implement and promote an electronic system for equality screening and analysis submission	Greater accountability, improved record keeping, and information integrity in the equality analysis system	Governance (PIU)	Identify user requirements	June 2016	
				Resources (ICT)	Develop system	September 2016
				Governance PIU / Resources (ICT)	Implement system	April 2017
6.	Maintain accreditation to Mindful Employer for further 3 years	Commitment to supporting the mental health of employees	Resources (HR)		Dec 2016	

## Equality Objectives Action Plan 2016-2020

### Objective 4: To improve and develop equality in our business activities

Ref	Action	Outcomes	Responsibility	Milestones	Target dates
1.	Produce guidance / tool/s to support the integration of equality into projects and reviews	Improved due regard to equality in projects and reviews	Head of Transformation	Integration of equality into project management guidance / tools	April 2017
2.	Map, develop, and promote the potential to channel corporate equality expertise into corporate business processes (eg: <i>Building control for access issues; Neighbourhoods for languages spoken in the district</i> )	Improved resources for business processes	CEWG	Map developed	March 2017
			CEWG	Process developed	March 2018
			All Directors with responsibility	Implementation	March 2020
3.	Produce and promote a process for accessing comprehensive translation services	Improved access to translation services	Governance (PIU)	Process developed	June 2017
				Promote via Intranet and District Lines	September 2018
4	Review the requirement for business advice provided in other languages; extend the provision where identified	Non-English speakers and small businesses helped to gain skills and knowledge to enhance their employment opportunities	All Directors	Requirement reviewed	March 2017
				Develop provision where identified and appropriate	March 2020

## **Report to the Cabinet**

**Report reference:** C-083-2015/16

**Date of meeting:** 7 April 2016



**Epping Forest  
District Council**

**Portfolio:** Leader

**Subject:** Transformation Programme – February 2016 Highlight Report

**Responsible Officer:** David Bailey (01992 564105).

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

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### **Recommendations/Decisions Required:**

- (1) That the Cabinet review the progress of the Transformation Programme through the highlight report from the end of February 2016; and
- (2) To consider an Invest to Save funding bid for the costs associated with the procurement process for the undertaking of a feasibility study for the Service Accommodation Review Project.

### **Executive Summary:**

Regular highlight reports on the progress of the Transformation Programme will be presented to the Cabinet. This is the highlight report for February 2016. It is anticipated that the format of the highlight report will evolve over time in order to remain an effective tool for highlighting progress, slippage and remedial actions being undertaken.

The transformation programme is at an early stage and all progress indicators are green.

This report also presents a £50,000 Invest to Save request in order to complete a headline business case on options for future service accommodation as part of the Service Accommodation Review Project [P002].

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

To present progress highlights from the transformation programme to the Cabinet, including workstreams, programmes and projects.

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

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

No other options are appropriate. Failure to monitor and review progress of the transformation programme and to consider corrective action where necessary, could have negative implications for the Council's reputation, and may mean the opportunities for improvement were lost.

No other option to complete the feasibility study is available as the required skills and capacity do not exist in-house.

The next Cabinet meeting is 9 June 2016. A Project Initiation Document, including a full business case could be prepared, but this would delay the decision to agree the Invest to Save funding bid by two months.

**Report:**

Transformation Programme – Progress Highlight Report

1. This is the first regular highlight report brought to the Cabinet for the transformation programme. As such, it's anticipated that the format may change over time so as to remain effective at highlighting progress, slippage and any remedial actions in the programme overall.
2. The Cabinet is requested to review progress at the end of February 2016.
3. Key milestones for the transformation programme are being considered by the Transformation Programme Board. It is anticipated that these will be reported as part of the next highlight report to the Cabinet.
4. The highlight report uses the RAG rating, based on Red, Amber and Green colours used in a traffic light system. The definitions of the RAG ratings are:

<i>Light</i>	<i>Definition</i>	<i>Action</i>
<b>Red</b>	<p>There are significant issues with the project, programme or workstream.</p> <p>The project requires corrective action to meet business objectives. The issue cannot be handled solely by the project manager or project team.</p> <p>One or more aspects of project viability – time, cost, scope – exceed tolerances set by the Transformation Programme Board.</p>	<p>The matter should be escalated to the project sponsor and Transformation Programme Board immediately.</p>
<b>Amber</b>	<p>A problem has a negative effect on project performance but can be dealt with by the project manager or project delivery team.</p> <p>Action is taken to resolve the problem or a decision made to watch the situation.</p> <p>One or more aspect of project viability – time, cost, scope – is at risk. However, the deviation from plan is within tolerances assigned to the project manager.</p>	<p>The Transformation Programme Board should be notified using a progress report or scheduled briefing with the sponsor.</p>
<b>Green</b>	<p>The project is performing to plan.</p> <p>All aspects of project viability are within tolerance. However, the project may be late or forecast to overspend (within tolerance).</p>	<p>No action needed.</p>

5. At this stage, all status indicators are green, and this largely reflects the progress of actions to establish the transformation programme itself, including the workstreams.

6. At their away day (16 February 2016) Management Board agreed to prioritise two workstreams: (1) Customer experience and (3) Resources, Accommodation and Technology.

7. Appendix 1 contains the highlight report for February 2016.

#### Invest to Save Funding Bid

8. The Transformation Programme Board has chartered a Service Accommodation Review project [P002] to undertake a headline feasibility study of different options for Council office accommodation. Full details of the four options to be investigated are contained in the Project Charter in Appendix 2.

9. Early discovery has shown that the project would require a feasibility study, completed by an external specialist with access to appropriate business consultancies. Initial quotations have shown that the cost of this work would be in the region of £50,000 and would take 4-6 weeks to complete.

10. Clearly without the completion of the study it is only possible to speculate on the magnitude of savings that could be realised from a Council decision to change the use of Council service accommodation.

11. One conservative estimate for the capital receipt for the sale of the current Council Offices site in Epping is £11 million. As an alternative to further the Council's ambition to be self-financing, the Council could retain and develop the site. Early indications are that this could secure a substantial income stream.

12. Therefore, it is in the public interest to complete a thorough and appropriate study of the options with professional and expert support.

#### **Resource Implications:**

Resource requirements for actions to achieve specific outcomes or benefits will have been identified by the Transformation Programme Board and reflected in the budget for the year.

The Invest to Save fund currently has a balance of £156,000 available to allocate to schemes.

#### **Legal and Governance Implications:**

There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific outcomes or benefits will have been identified by the Transformation Programme Board.

#### **Safer, Cleaner and Greener Implications:**

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner and Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific projects will have been identified by the Transformation Programme Board.

**Consultation Undertaken:**

Progress has been reviewed by the Transformation Programme Board (2 March 2016).

**Background Papers:**

Progress submissions and relevant supporting documentation is held by the Programme Management Office (PMO).

**Risk Management:**

There are no risk management issues arising from the recommendations of this report. Relevant issues arising from actions to achieve specific projects will have been identified by the Transformation Programme Board.

# 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.

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Progressing the priority transformation projects, particularly the Customer Contact Projects and the Review of Service Accommodation, will improve access to our services for both our customers and our staff from various protected groups.

The benefits would include but are not limited to:

- Improved physical access to the Civic Offices for customers and employees with disabilities or customers with babies and young children;
- Improved self-service access for customers, through online and mobile phone applications, which can be used outside of normal office hours; and
- Reduced transaction times, where customer enquiries are dealt with at the first point of contact.

## Transformation Programme Highlight Report

<i>Report</i>	<i>Period</i>
<b>1</b>	<b>February 2016</b>

### Document control

<i>Version</i>	<i>Date</i>	<i>Status (draft, approved)</i>	<i>Author</i>	<i>Change description</i>
1.0	29.02.2016	Draft	David Bailey	Draft
1.1	02.03.2016	Approved	Transformation Programme Board	Note prioritisation of projects in workstreams 1 & 3

### Approval

<i>Approved for submission to the Cabinet (Sponsoring Group), given by</i>	Transformation Programme Board	<i>Date</i>	02.03.2016
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### Distribution list

<i>Name</i>	<i>Job title</i>	<i>Directorate / Department</i>	<i>Organisation</i>
Membership	Transformation Programme Board	-	EFDC

### Overall transformation programme progress and status

	<i>RAG status</i>		<i>Comment on overall progress and status and recommended actions</i>
	<i>This period</i>	<i>Last period</i>	
Time	Green	-	To be agreed
Cost	Green	-	To be agreed
Delivery / outcome / output	Green	-	To be agreed
Benefits	Green	-	To be agreed



**Progress this period and actions for the next period (in addition to those overdue)**

<i>Workstream / Project</i>	<i>Progress this period</i>	<i>Actions for next period</i>	<i>Due</i>	<i>Owner</i>
Workstream 1: Customer experience	Report from Customer Contact Review due at Cabinet 3 March. Customer Contact Projects charter drafted.	Cabinet Report adoption. Project Charter due at TPB 2 March. Project team initial meeting to prepare for further study of customer transactions.	Mar 2016	Project Manager and Head of Transformation
Workstream 2: Business Culture	Establish Project and Programme Management charter drafted.	Consider project charter at TPB 2 March. Initiate project group.	Mar 2016	Head of Transformation
Workstream 3: Resources, accommodation and technology	Service Accommodation Review project charter drafted.	Consider project charter at TPB 2 March. Initiate project group.	Mar 2016	Project Manager and Head of Transformation
Workstreams	Charters drafted for key projects from the Corporate Plan Key Action Plan 2016/17. Risk Potential Assessment (RPA) tool, to indicate level of project management complexity, drafted and discussed at Corporate Risk Management Group.	Complete project charters. TPB balances resource deployment across programme using information from project charters. Risk Potential Assessment tool piloted.	Mar 2016	Transformation Programme Board
Staff training	Training specification completed and expressions of interest obtained.	Meet with preferred supplier to ensure quality, and if agreed, undertake preparation for cohort 1.	Mar 2016	Learning and Development Manager
Communications	Established transformation information pages on the corporate intranet. Delivered staff briefing and updates through District Lines and Leadership Team.	Maintain and extend information pages, including project management tools.	Mar 2016	Head of Transformation
Transformation Programme Board	Governance structure established.	Initial meeting held, terms of reference agreed.	Mar 2016	Chief Executive

<i>Workstream / Project</i>	<i>Progress this period</i>	<i>Actions for next period</i>	<i>Due</i>	<i>Owner</i>
Programme Management Office	Governance structure established.	Initial meeting held, terms of reference agreed.	Mar 2016	Head of Transformation
Project Initiation Document to establish transformation programme	Updated PID prepared for Management Board.	Agenda item for 2 March.	Mar 2016	Head of Transformation
£100k transformation savings	Ideas generated and TPB report drafted.	Report due at TPB 2 March. Work on savings commences.	Mar 2016	Chief Executive

*Note: TPB – Transformation Programme Board, PMO – Programme Management Office*

### **Milestones overdue**

<i>Workstream / Project</i>	<i>Milestone description</i>	<i>Expected end date</i>	<i>Revised end date</i>	<i>Dependent tasks / milestones (Y/N)?</i>	<i>Owner</i>
None					

### **Escalated issues (including those from the last highlight report not yet resolved)**

<i>Item</i>	<i>Issue</i>	<i>Recommended action(s)</i>	<i>Due date</i>	<i>Owner</i>
1.1	Engagement with Councillors	General briefing for Elected Members	Apr 2016	Head of Transformation

### **Escalated risks**

<i>Item</i>	<i>Risk</i>	<i>Recommended action(s)</i>	<i>Due date</i>	<i>Owner</i>
	None			

\*\*\* End of Report \*\*\*

# Project Charter

1. <i>Project title</i>	<b>Service Accommodation Review</b>	5. <i>Reference</i>	P002
2. <i>Manager (interim)</i>	<b>David Bailey, Head of Transformation</b>	6. <i>Date</i>	22 Feb 2016
3. <i>Sponsor</i>	<b>Bob Palmer, Director of Resources</b>	7. <i>Version</i>	2.0 (23 Mar 2016)
4. <i>Corporate Plan link</i>	<b>Aim 1.b. Property assets</b>		
8. <i>Problem statement</i>		9. <i>Objectives, targets &amp; goals</i>	
<p>The Cabinet want to reduce spending and increase income generation to keep Council Tax low and protect front line services.</p> <p>Service accommodation costs are a major expenditure. The Cabinet have requested an options paper with feasibility on reducing the authority's use of service accommodation.</p>		<ul style="list-style-type: none"> <li>▪ Complete feasibility study of four options (see 'in scope' for details).</li> <li>▪ Present findings to a joint Management Board and Cabinet meeting.</li> </ul>	
10. <i>In scope</i>		11. <i>Out of scope</i>	12. <i>Benefits</i>
<ul style="list-style-type: none"> <li>▪ Review to include all EFDC service accommodation: depots, Hemnall Street, Civic Offices, Debden Broadway offices.</li> <li>▪ Review to test four options:               <ol style="list-style-type: none"> <li>1. No change;</li> <li>2. Reduce Civic Office footprint by 50% and use vacated land for housing/ commercial redevelopment;</li> <li>3. Vacate Epping Civic Offices and move to new building – potentially on Council owned land;</li> <li>4. As option 3, but continue to provide front of house and civic facility in Epping town – potentially at current location.</li> <li>5. Other options that may come forward through the study.</li> </ol> </li> <li>▪ Flexible, mobile and home working policies.</li> <li>▪ Travel to work, i.e. car parking.</li> </ul>		<ul style="list-style-type: none"> <li>▪ Planning or undertaking the works – this project is to undertake a high level feasibility study and present options to a joint meeting of Management Board and the Cabinet.</li> <li>▪ <u>Changes</u> to flexible, mobile and home working policies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential release of capital receipt from sale of accommodation.</li> <li>▪ Potential reduction in accommodation operating costs.</li> </ul>
13. <i>Change approach</i>		14. <i>Dependencies and constraints</i>	
<p>Use external specialists, including space planning and urbanisation planning. In-house project management.</p>		<p>Construction of new Housing Hub and Oakwood Hill depot (subject to planning permission), review of Leisure Services contract. Flexible and home working policy. Common Operating Model and new ways of working, for example electronic document storage.</p>	

<b>15. Timeline</b>		<b>16. Data</b>
Mar 2016	Team meeting, terms of reference and actions.	Initial discovery has provided a snapshot of data regarding the use and cost of the Civic Offices: staff workstations and car parking.
Apr	Feasibility.	
May	Report writing.	
Jun	Presentation to Joint Management Board & Cabinet meeting.	
Jul	Project closure.	
<b>17. Project members</b>		<b>18. Change control</b>
Project Sponsor: Bob Palmer, Director of Resources Programme Lead: David Bailey, Head of Transformation Project Manager (interim): David Bailey, Head of Transformation Transformation: Gareth Nicholas, National Management Trainee Facilities and ICT: David Newton, Assistant Director, ICT and FM Refurbishment: Mike Hobbs, Facilities Manager Accountancy: Peter Maddock, Assistant Director, Accountancy Human resources: Paula Maginnis, Assistant Director, Human Resources or representative Estates: Kassandra Polyzoides, Assistant Director, Planning Policy and Economic Development Estates: Karim Pabani, Chief Estates Officer Specialist consultants: To be determined, consultants		Amends 23.03.2016

## **Report to the Cabinet**

**Report reference:** C-084-2015/16

**Date of meeting:** 7 April 2016



**Epping Forest  
District Council**

**Portfolio:** Environment

**Subject:** Review of Waste and Recycling Collection Arrangements

**Responsible Officer:** Derek Macnab (01992 564050).

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

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### **Recommendations/Decisions Required:**

**(1) That the Cabinet consider the findings and conclusion of the recent review of the Council's Waste and Recycling Collection arrangements and recommend that these be taken into consideration in any future service contract procurement.**

### **Executive Summary:**

The Council's contract with Sita, its previous waste, recycling and street cleansing contractor, came to an end after a seven year period on 3 November 2014. The process of awarding a new contract began in 2013, with competitive dialogue chosen as the procurement methodology, in recognition of the scale and complexity of the contract.

At the final tender stage, all the remaining contractors bid on both a five-day collection and a four-day collection basis. The most advantageous tender, in terms of price and quality, was submitted by Biffa Municipal Ltd, who were appointed by Council in May 2014. The contract mobilisation and handover went well and Biffa performed satisfactorily during the period from November 2014 up until May 2015, during which time they were operating the previous five-day collection arrangements.

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

To this end, the Environment Portfolio Holder formally requested that Overview and Scrutiny Committee undertake a review on his behalf, the outcomes to be formally reported back to Cabinet. Overview and Scrutiny Committee subsequently agreed the request and determined that the Neighbourhoods and Communities Select Committee was best placed to undertake the review, by virtue of their Terms of Reference. This report feeds back to Cabinet the process and key findings of the Review and the general conclusions reached.

## Reasons for Proposed Decision:

The Environment Portfolio Holder asked Overview and Scrutiny Committee to undertake a Review of the Council's Waste and Recycling Collection arrangements and to report back to Cabinet.

## Other Options for Action:

No other options identified.

## Report:

### The Review Process

1. The Neighbourhoods and Communities Select Committee held a special, one topic meeting on 17 December 2015 to consider this request and then reported back to the Main Overview and Scrutiny Committee in February 2016, who endorsed their conclusions and agreed that the Cabinet be advised of these findings.

2. In order to ensure that the review focused on the main issues that Members wished to explore, the Neighbourhoods and Communities Select Committee in September 2015 established the scope of the review and how the meeting will be practically undertaken. As a result, it was agreed that the review would be undertaken in 4 parts, covering the following issues.

#### ➤ **Part One – Procurement Process**

- (i) Why the Council elected for Competitive Dialogue;
- (ii) The Procurement Process and Key Considerations;
- (iii) Contractors' Service Improvements identified through Competitive Dialogue;
- (iv) Rationale behind the adoption of 4-Day Collection; and
- (v) Final Tender Evaluation and Award.

#### ➤ **Part Two – Mobilisation and First 6 months of Contract**

- (i) Mobilisation in run-up to Contract Start Date November 2014;
- (ii) Operation of 5 Day Service during initial 6 months;
- (iii) Procurement of new fleet and depot relocation;
- (iv) Preparation for Service Change to 4 Day Collection; and
- (v) Communication/Information to residents.

#### ➤ **Part Three – Revised Arrangements from the 12 May 2015**

- (i) Problems encountered by Residents. Type and Scale;
- (ii) Operational issues faced by Contractor;
- (iii) Remedial Actions and Recovery Plan; and
- (iv) Current Performance of Contract and Future Prospects.

3. The aim of the final, **Part Four** of the review, was to reach a set of conclusions around what could have been done better and to recommend any key considerations with respect to how the Council could improve procurement and implementation of any future major service contracts. This report seeks to reflect on the discussion that took place on the 17 December 2015, in order to fulfil this requirement.

## Outcome and Findings of the Review Meeting

4. The notes of the meeting of the Neighbourhoods and Communities Select Committee on the 17 December 2015, which undertook the Review of the Waste and Recycling Arrangements, are attached as an appendix to this report. The notes reflect the totality of the discussion and the lines of questioning undertaken.

5. Officers have reviewed the notes and have identified what would appear to be some key learning points from the meeting.

### Part One - Procurement

6. Competitive Dialogue proved to be an effective means of procuring the new Waste Contract, from both the Client and Contractors perspective.

7. Although the Members interview only scored 10% of the quality scores, and on this occasion did not materially affect the final award, it is considered that Member Interviews are still beneficial for future service contracts.

8. The role that cross-party Portfolio Holder Advisory Groups play in shaping service contracts was recognised as a positive.

9. With contracts which involve major service changes, the costs to the Council should not be underestimated in terms of advising residents etc. The £50,000 on the Waste Contract was in hindsight, too small.

### Part Two – Mobilisation and First Six Months

10. Overall the Waste and Recycling Contract mobilisation went well, with service quality maintained over the period November 2014 to May 2015.

11. Although TUPE Arrangements were satisfactorily completed for staff transferring from SITA to BIFFA, there were some concerns highlighted regarding communication with staff despite Biffa's best endeavours.

12. The innovation forum established between client officers and contractor, proved useful in addressing service issues and identifying areas for improvement, this should be encouraged as good practice.

13. The original start date for the change to 4-day collection was not achieved, due to delays in vehicle acquisition and transfer of depots. However, the revised date of 12 May was still in retrospect too early.

14. The number and type of informal arrangements that exist between householders and collection crews should not be underestimated and should be specifically addressed in terms of debriefing at end of contract periods.

15. Whilst it was felt that the problems encountered around the change to 4-day collection were not simply attributable to the prior notification information provided, it was felt that the letter to all residents could have been clearer.

16. The information contained on the Council's Website was helpful, particularly the tool which converted postcodes into revised day collection arrangements.

### Part 3 – Introduction of Revised Arrangements

17. Start date for change to 4-day collection too optimistic in as much as new fleet was only delivered days before implementation, preventing crew familiarity and ability to address technical failures.

18. A phased approach was not adopted and had not been elsewhere, to the best knowledge of consultants and contractor. However, it should not be ruled out in future contracts, certainly there would have been value in test rounds with the new fleet.

19. The new IT system would have benefited from earlier implementation and a longer period of testing. The round information from the start of revised collections was inaccurate, leading to whole streets being missed. Lack of integration with client system also a major problem.

20. Biffa lost 20% of the workforce that transferred from Sita, the outgoing contractor. This was a loss of valuable local knowledge which should have been captured in some way. Changing staff onto rounds in areas that they were not familiar with and an initial reluctance to utilise knowledge of waste client officers, compounded the problem.

21. Some of the fleet purchased was not fit for purpose e.g. Street Sweepers that could not deal with rural road network. In future, demonstration vehicles may prevent re-occurrence.

22. A need to utilise agency staff to cover additional rounds and cover vacancies, delayed the stabilisation of the contract. Whilst tender evaluation demonstrated that adequate resources were to be employed, did not take into consideration the effect of staff turnover. Issue to be explored in future contracts.

### General Conclusion

23. It would appear that a number of the problems encountered by Biffa when introducing the revised 4-day collection arrangements, could have been avoided with additional time, e.g. to improve staff training and familiarisation with new vehicles and IT, to test drive new routes more thoroughly, to retain and utilise local knowledge of existing staff, to fully run in new fleet and to have operated longer from new depot locations, before the service change.

### **Resource Implications:**

The review was undertaken within existing resources. None of the recommended courses of action, with respect to future service contract procurement, would have specific cost implications.

### **Legal and Governance Implications:**

The Review concluded that Competitive Dialogue was an appropriate approach in line with European Procurement legislation.

### **Safer, Cleaner and Greener Implications:**

The new Waste Contract utilises a fleet of modern high specification vehicles which produce significantly less emissions than the previous fleet. A range of additional items e.g. tetrapack and small electrical items are now collected for recycling.



**Consultation Undertaken:**

Contributions to the review were sought from the public and members. A number of residents submitted questions and attended the meeting on the 17 December 2015.

**Background Papers:**

Award of Contract Report to Cabinet June 2014.  
Specification and Contract Documentation.

**Risk Management:**

Risk Management was a feature of the procurement process. Failure of a major service contract is contained within the Corporate Risk Register.

# 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.

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The missing of assisted collections to people who are not physically able to present their own wheeled bin, has been focused on for improvement. Position has improved, but will be kept under review.

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Neighbourhoods and Communities Select Committee      **Date:** Thursday, 17 December 2015

**Place:** Council Chamber, Civic Offices, High Street, Epping      **Time:** 7.00 - 9.45 pm

**Members Present:** M Sartin (Chairman), H Brady (Vice-Chairman), N Avey, L Hughes, R Jennings, S Neville and B Surtees

**Other Councillors:** K Angold-Stephens, W Breare-Hall, R Morgan, G Waller, C Whitbread, J M Whitehouse and D Wixley

**Apologies:** R Gadsby, L Mead and A Patel

**Officers Present:** D Macnab (Deputy Chief Executive and Director of Neighbourhoods), J Barnard (Office Manager), T Carne (Public Relations and Marketing Officer), K Durrani (Assistant Director (Technical Services)), D Marsh (Waste and Recycling Manager), A Hendry (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

**Also in attendance:** L Attrill, S Crook, P Dickson, R Edwards and L Smith

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### **35. WEBCAST ANNOUNCEMENT**

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

### **36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

It was noted that there were no substitute members for this meeting.

### **37. DECLARATIONS OF INTEREST**

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

### **38. REVIEW OF WASTE AND RECYCLING COLLECTION ARRANGEMENTS**

The Chairman welcomed the members of the public, officers, councillors and invited guests to this special meeting of the Neighbourhoods and Communities Select Committee. The meeting was to review the new domestic waste and recycling contract and following the switch to the four day collection schedule and the introduction of new vehicles and technology. This resulted in an unacceptably high level of missed collections. The Council's Environment Portfolio Holder noting that this was an important service, formally requested that the Overview and Scrutiny undertake a review on his behalf and that the outcome to be formally reported back to the Cabinet. The Overview and Scrutiny Committee agreed that this request should be determined by the Neighbourhoods and Communities Select Committee.

Given this, a single, one off meeting of the Select Committee be dedicated to this single subject.

In addition to the Environment Portfolio Holder and the Council's lead officers on Waste and Recycling, senior representatives from Biffa municipal were present; they were: Mr Dickson, Biffa's Commercial Director, Mr Smith, the contractor supervisor, Mr Crook the Operations Director and Mr Edwards their Managing Director. Also in attendance was Mr Attrill, the Consultant from White Young and Green, who supported the Council through the procurement process. They were invited to give evidence and answer questions.

Mr Macnab, the Committee's lead officer and the Director of Neighbourhoods outlined the procedure for the meeting and the history behind the awarding of the Council's waste contract. He noted that due to uncertain variables the Council had elected for competitive dialogue. The council was unsure as to whether it wished to keep Grounds Maintenance Services and/or Fleet Management in-house or whether it wished to include these services within the contract for Waste Collection and Street Cleansing Services. The Council also wished to consider alternative means of collecting waste, including the use of wheeled bins for dry-recyclables plus the option of including glass in the co-mingled mix. They also wished to discuss ICT solutions which would give better management information so as to better inform customers. Finally it was necessary for the contractor to provide their own depot, as the Council would be redeveloping Langston Road. The variables meant that using the traditional procurement procedure was inappropriate as the Council could not, at the outset, identify the precise requirements of the contract. The Competitive Dialogue procedure had given good results on other authorities waste procurements exercises.

It was noted that the 4 day collection model was offered by several bidders. It was a model used by a number of authorities to (a) improve productivity and thereby reduce costs; and (b) to avoid 'catch up' or 'slipped day' collections following Bank Holidays and in particular, because the new depots were outside or at the edge of the District's boundary, the longer working day associated with the four-day week allows for the longer travelling times at the start and end of each day. Allowing for the four day collection reduced collection costs to the Council.

Mr Macnab noted that the most advantageous tender in terms of price and quality was submitted by Biffa Municipal Ltd. who were appointed by the Council in May 2014.

Mr Macnab advised that the meeting would be broken down into three parts as indicated on the report attached to the agenda. The first part would look at the initial procurement process, while the second part would consider the mobilisation and the first six months of the contract. The third part would concentrate on the problems encountered. The fourth part indicated on the report, conclusions and recommendations, was a bit too ambitious to tackle at this meeting and reach conclusions. Officers would take away all the information gained this evening and write it up into a formal report to go to the select committee's next meeting and from there to the parent Overview and Scrutiny Committee meeting and onwards from there back to the Cabinet.

### **Part one – the Procurement Process**

The Committee went on to review the procurement process. Len Attrill, the consultant from White Young and Green, who supported the council through the procurement process gave a brief description of why the council chose to go for Competitive Dialogue, the procurement process, any key considerations and service

improvements identified. Mr Attrill noted that this process enabled the bidders to take into consideration:

- the grounds maintenance service;
- establish synergies between grounds maintenance and street cleansing services;
- to market test the in-house service for fleet management and maintenance;
- to seek a solution in relation to depot provision;
- an innovative approach to the provision of trade waste collection and recycling;
- achieve a minimum average recycling rate in excess of 60%;
- the provision of up to date ICT; and
- where affordable to endeavour to go for innovation and added value.

The council had expressed a wish to move from their current depot and explore alternative type of fleet contract and would also examine the contract term, which should be longer than the former 7 years.

They wanted to explore if grounds maintenance or if the contract for arboriculture services was to be included. The Council wanted, through this contract to help Small or Medium Size Enterprise (SME's) in the district by having their trade waste collected and to see how this could work.

They were also looking at how recycling, composting etc. could be improved; the procurement process was wholly designed to see how contractors would tackle this.

The procurement process allowed for 3 levels of dialogue and 3 stages for tender consideration which was felt was entirely necessary.

It was asked if during the process, any consideration was given to any problems that could occur and how to deal with them. Mr Attrill said it was set out how to handle such things in a "Model of Performance Management". There was always the possibility that things could go wrong so this mechanism was there to deal with that.

In the end the council was able to maintain the quality of the service, vacate the depot and achieved a service lower in cost than the previous contractor; in addition to the service improvement identified.

Councillor Jennings commented that given all the other things going on, was the saving of money on this contract from the previous contract too good to be true, or was there something that was specific to EFDC? Mr Attrill said that he did not think it was entirely unique to Epping Forest; other councils were procuring roughly the same services. There were a number of reasons why costs were lower than they used to be, such as the cost of fuel which was lower than it has been for nine years, interest rates were low and low wage inflation for a couple of years. Things that have not helped was that the value of recyclables had fallen, part of the world collapse in commodity prices. Generally the trend was where councils that had decided to radically change services had seen significant cost increases.

Mr Attrill noted that a 4 day collection period was not innovative; other authorities have been operating this system for years. This usually happened in rural areas when the population was a long way from the waste depot and this came about for EFDC as they were considering moving their depot. Most of the contenders bidding for the contract had depots outside the District boundary and options for a 4 day week were put on the table as this had operated successfully for other authorities. This also avoided the 'catch up' or 'slip day' collections following bank holidays, although there may be some need for catch up over the Christmas and Easter

holidays. However it was noted that the introduction of a four day collection model would incur costs to the Council. These additional costs were estimated at £50,000 and with the benefit of hindsight perhaps the figure should have been higher. This figure was then added to the contract and £5,000 was added per year over a 10 year period.

Councillor Neville asked that when other Councils moved to a 4 day week, did they start with a pilot scheme? Mr Attrill replied that he knew of no Council that ran a pilot scheme. That did not mean that none were run, just that he did not know of any. The Chairman asked the Biffa officers if they knew of any pilot schemes, they replied that they did not.

Councillor Surtees commented that he was not critical of the whole system just interested in the journeys to the depot. The depot was quite away from Epping; were there other journeys that had to be undertaken to take waste material to other sites or was it just to and from the depot. Mr Attrill said it depended entirely on the waste stream. Some of the waste streams go to a transfer station in Harlow. The key point was that we have identified the waste disposal facilities for residual, garden and food waste. Those were fixed. Where the contractor had their depots was their choice, but we did scrutinise that at the evaluation. But in looking at the distances involved and the travelling time we felt they were entirely achievable. Councillor Surtees asked if the variables he had identified were taken into account and was there some wiggle room if more stuff had to go to one place rather than another. Mr Attrill agreed that there was, the waste industry was highly competitive and simply making decisions on how finely tuned you made your model would be what makes these lower cost tenders. But the more fine tuned you make them the greater the risk that it would not bed down as it should. This was partly why we took the view of having the £50,000 buffer, and with hindsight we may have undercooked that.

The Chairman asked the Portfolio Holder if he had any comments on the adoption of the 4 day collections. Councillor Breare-Hall the Environment Portfolio Holder said that he supported the rationale behind the process and confirmed that all the options were considered. Ultimately it came down to a cost/benefit analysis and a judgement call to what was better for our residents.

Councillor Jon Whitehouse asked what was the difference between the number of staff and vehicles required for the 4 day system to the 5 day system. Mr Attrill replied that he could not answer that question without doing some research on the different bids made. Councillor Whitehouse asked him to go for the tender adopted rather than the various options considered. Mr Attrill replied that you had to remember that each bidder was tailoring their services on the basis of where their depot would be. One contractor had theirs next to the Harlow Transfer Station and for them a 4 day week did not add much so they chose the 5 day option. But they were not the winner of the tender. There was no general principle that the 4 day week delivers better results everywhere. There were a lot of variables and this would establish a model for the most advantageous tender. Councillor Whitehouse then asked what was the difference between a 4 day and a 5 day service under Biffa. A Biffa representative said that there was a saving in overtime and fuel.

In summarising the final tender evaluation and award, Mr Macnab noted that the procurement exercise had started in March 2013. 8 bidders started and were reduced to 4 who proceeded to the final stage of the Competitive Dialogue. There were two bids for each 4 and 5 day tenders, with two days of tender dialogue set aside for each bidder. The final tender process went for a 50/50 split (quality and price). There was also a member interview that accounted for 10% of the score.

Once completed the Council considered the bids and Biffa was considered the most advantageous bid (giving a saving of £416k per year on the previous contract) and Cabinet took the decision in May 2014, which was also considered by full council.

Councillor Surtees asked that with hindsight was there anything that could have been done differently? Mr Attrill replied that the procurement process was seen to be thorough; the only thing they would have done differently would have been to ask for more than the £50k. The council had a new depot, a new fleet and recycling compliant with the waste framework directive. Councillor Surtees said that whatever problems that happened after, was not due to the procurement process. Mr Attrill agreed that it was not the fault of that process.

The Chairman asked if the officers from Biffa thought that there was anything we could have done differently. The officers from Biffa concurred with Mr Attrill that the procurement process was well handled and ran to time. Mr Attrill added that the three companies that lost the contract were also very happy with the process they went through.

The Chairman noted that as part of the member interview panel their 10% did not seem to have any influence on the final outcome. Mr Macnab said that this was not by design. In the end the 10% did not have any effect on the outcome, but may have done on a closer fought exercise. Mr Attrill added that it was mathematically possible for the member's marks to make a difference in a tighter competition.

The Portfolio Holder, Councillor Will Breare-Hall noted that he was ably assisted by a cross party advisory group, giving member involvement throughout the process.

### **Part two – Mobilisation and the first 6 months of Contract**

The meeting then went on to consider the second part of the review, the mobilisation and the first 6 months of the contract.

Mr Durrani, the Assistant Director (Technical Services) advised the meeting that the decision to award the contract was made by the Cabinet in May 2014. After that there was a handover period from Sita to Biffa. The first thing was to get Biffa set up at the Langston Road depot; TUPE staff transfer over to Biffa; transfer assets like vehicles and the stock of wheelie bins and other containers etc. This was carried out successfully and Biffa operated the 5 day collection service from 4 November 2014. Mr Marsh, the Waste and Recycling Manager added that the council acted as a buffer between the outgoing and incoming contractors.

Councillor Jennings asked what was the reaction of the staff to the change from a 5 day to a 4 day collection. Mr Durrani said that they knew it would be a 4 day service. Biffa was preparing the staff for this change and also the need to move to a new depot and the change of vehicles. A member of Biffa added that it was fair to say that a lot of questions came out of this opportunity to work one day less. There were a few cases of concern, but generally they got on with it. Councillor Jennings was pleased that they held one to ones with the staff concerned as it would have impacted everyone. Biffa did a good job. The Chairman noted that the TUPE had also raised some concerns.

Councillor Surtees noted that the transfer went well, but he had heard stories that some residents were dissatisfied with the service, what sort of percentage would that be? A representative from Biffa said that only 1 or 2 residents had expressed any concerns.

Councillor Whitehouse said it had been mentioned how critical it was to get the geography of the services right. Were collection points missed at first, and how was this list maintained and how accurate was it. Mr Durrani said that the first six months of the Biffa contract was run as if they were Sita, doing everything that Sita did for the last seven years. The crews had paper based lists, the change to the new IT system came in under the 4 day system. For the first six months nothing changed; only when they went to the 4 day service did it change.

Mr Marsh noted that it was a smooth transfer, the use of the Sita schedule meant no initial change and a seamless transition; the crews knew the routes, although there were some problems with some narrow access systems.

Members of Biffa noted that they had inherited the Sita fleet, purchased from this Council, but they could not run them for the whole 10 year period of the contract. They used this fleet at their Stratford upon Avon contract, which was shorter, and at EFDC tendered for a new fleet of vehicles. The drivers took time to get familiar with the operation of new vehicles. There was also change in the depot location to add to the mix. The changes caused an unsettling period, but they were planning for the next 9½ years.

Councillor Neville asked Biffa if they had considered the size of the new vehicles, as it was difficult for the bigger vehicles to get around our small rural roads. Why did they choose bigger vehicles and not smaller ones and, how much experience did they have in the software in other situations as it seemed it had glitches. He was told that the new vehicles were no longer or wider than the other vehicles, it may be that they put larger vehicles on other routes. Councillor Surtees asked if the correct number of vehicles were obtained at first. He was told that they had the right amount of vehicles but they did lay on extra vehicles and crews to help them settle in.

Mr Durrani noted that preparation for the commencement of the four day collection service started soon after the award of the contract. An Innovation Forum consisting of Biffa and Council officers was formed by the Waste Partnership Board to oversee the changes to a 4 day service. There were a number of key changes – the purchase and introduction of a completely new fleet of vehicles and the movement of the workforce from the operational base from the Langston Road depot to the Biffa depot in Waltham Cross. The Partnership Board also looked at a number of other issues such as any problems with the staff and TUPE and the change of the depot location. A lot of work was put in by our IT department in conjunction with Biffa on their new system such as putting in information onto their live feed systems etc. Mr Marsh added that they had carried out projects like this before and had used their experience to facilitate this move.

The Chairman noted that the original date for this move was scheduled to be earlier; would there have been adequate time for this earlier date? Mr Durrani said that in terms of the information available at the time, it seemed that it would have been the right time carry out this change. But we were not as ready as we thought we were.

Councillor Surtees asked how robust were their contingency arrangements to handle the situation that arose? Biffa said that they had their contingency plan that covered their IT and vehicles etc. and on how they should react. They had put in a lot of hard work and good will to recover their position.

Councillor Whitehouse noted that the transfer from a paper database to an IT one had its problems. Was this picked up at the transfer stage? Mr Durrani said that they believed that everything was covered on the IT systems. Ms Barnard, the Admin and Customer Services Manager, noted that all the information held on the Council's



database was transferred over to the Biffa system. Mr Attrill noted that there were also some informal arrangements between householders and crews that no one else would know about and may not have been passed on.

Mr Durrani noted that every household received a letter about the change over, with a calendar showing the collection dates, information was also put on our website with a search tool to enable householders to check the date and type of waste and recycling collection, and this proved very successful. We have had criticism for not having enough publicity, but the problem was not that but that collections were missed.

Councillor Surtees noted the informative letter had been sent out, but what about people with learning disabilities who may have encountered problems, could an easier way be found to communicate. Mr Macnab said that was a learning point to take on board and if they did something like this again they would run pilot schemes etc.

The Portfolio Holder, Councillor Breare-Hall added that with hindsight the letters were not as clear as they could have been. But more broadly, we had done a good job communicating by using the website and other means.

### **Part three – Revised Arrangements, Problems, Operational Issues & Remedial Actions**

Mr Durrani noted that the 4 day collection consisted of Tuesday to Friday collections, a one pass collection for dry recycling and glass and new ICT and Customer relationship Management systems for the management of customer contact and also the new collections for small electrical equipment, textiles and batteries. A lot of things have come together and a lot of things have changed and this was where things could go wrong. We needed to check these services now and to explore how we could improve things.

Mr Marsh commented that with change, inevitably problems cropped up, especially with big changes in the schedules. At the start we had feedback that the collections were not happening as effectively as they should have been. Some houses were missed and this was coupled with a lack of knowledge of some of the areas being covered. Staff did not necessarily know the location of some of the bins as there were some unusual places they were being kept. This ended in missed collections and staff had to do some relearning of the 'ins' and 'outs' of an area. Some rural areas had consistent problems at this time.

The Chairman said that this went back to the question asked by Councillor Whitehouse about information being passed over. A Biffa officer noted that the information being passed over was okay but they lacked the local knowledge of the old crew members.

Ms Barnard said that the volume of calls were about missed collections and repeated missed collections. At its peak the contact centre was getting about 750 calls a day and they handled this by drafting in staff from other areas to answer calls and emails. An additional problem was that officers had to learn new ways of processing the new systems, at the start the lines of communication were not that clear, but this had changed now. For some numbers on missed collections; in May 2015 we took 3616 reports on missed collections and 291 missed assisted collections. In June it dropped slightly to 2999 missed collections and 363 missed assisted collections. In October 2015 it had dropped down to 636 missed collections and 86 missed assisted

collections and in November it was 468 missed collections and 36 missed assisted collections. In context the number of missed collections overall was less than 1%.

Councillor Angold-Stephens wanted to know how much the switchover to the 4 day collection period was dependant on the software, was that a cause of the problem. An officer from Biffa replied that the change over was not reliant on the IT systems.

Councillor Avey noted that Biffa had the ability to pick up small electrical items and textiles, how did this work, how has it been addressed and was it successful? Mr Durrani said that initially it had caused delays but it has since got better. Initially a lot had been put out and Biffa could not handle that quantity and needed to have extra collections. Councillor Brady said that she had tried putting batteries and textiles out but they had not been collected and she had to put in a complaint.

The Chairman noted that assisted collections had a lot of problems. Mr Marsh noted that this was due partly to not having the information of where they stored their bins. All assisted collections need to be logged to aid the management tool. Biffa noted that a lot of effort had been put in to address this as quickly as they could. Partnership working with officers and IT systems helped.

Councillor Waller commented that most organisations depended on the tacit knowledge of workforce, not recorded anywhere. Were attempts made to assign teams to areas that they knew? An officer from Biffa said they were where they could do so, but they did organise it in a different way once they were familiar with the routes.

Councillor Surtees noted the number of missed collections and asked if officers had comparative figures for what it was like before the contract was entered into. Could you give us any information to say what it was like in November and what it was like in May? Ms Barnard said she did not have the exact figures but in April 2015 we were taking 2788 calls and in May 2014 we took 2735 calls. So very similar to where we were before.

Councillor Whitehouse said that he tried to use the internet to report any problems, but it seemed that the internet was not as automated as he thought it would be. Do the reports go directly into the Biffa system? Ms Barnard replied that any forms completed on the internet went directly to her team to be manually inputted into the Biffa database. They were looking to improve this process.

Councillor Surtees said that as they were looking at the problems that the residents had experienced. We have heard about missed bin collections but there were other things such as kerbs being damaged by freighters and vehicles being damaged by refuse freighters and I wondered if that was something that needed to be taken into account when assessing the size of the problem being faced. Also, it seems that not everybody was reporting every incident, so there must be an element of under reporting. So the figures given would not be the whole picture. Mr Marsh agreed that there was an element of under reporting happening.

The Chairman noted that the refuse vehicles had 360 degree cameras mounted on them. Were they in operation and being used to pick up any problems? She was told that they were and were being used to solve some reported problems and to show that they had not hit someone's car. The Chairman then asked if there were instances where it showed that it did hit a car. She was told that yes, it had.

The Chairman asked if the attending member of the public would like to put her question now.

The member of the public said that she had received her recycling calendar for May to October for which she thanked the officers. But, right from the beginning her general waste was collected but her recycling waste wasn't. On numerous occasions during May and July when she reported it she were told that Biffa would be informed of this. She has since found out that that her bin was in the wrong place. Up until May her recycling was always collected correctly, but now they seemed just to be going to the other block of flats. She did not report this in September and October, but by the end of November it had become a really big problem and she sent an email reporting it. An officer came out and said it was because they had contaminated the bin with black waste sacks. But living in flats she had never received the clear sacks. She generally collected hers from the local council offices. If they had been delivered to the flats then probably people would not have used the black sacks. But, she thought that they had not seen the bins as the glass had not been collected and that had not been contaminated. When they did come they took away the black sacks and put the warning stickers on the bins to say no black sacks. Since then unfortunately some black sacks did go in and were taken out and the bins photographed by the Biffa staff to show it had been emptied. Unfortunately, these sacks were just dumped outside the bin store, where they will stay.

Officers from Biffa apologised for this and said they would take her relevant details, investigate and rectify it.

The three written questions sent in before the meeting were then considered. Mr Macnab gave an undertaking to write to them individually giving them an answer.

The first question along with the third were considered together as they were similar as they were both about the returning of the emptied bins to their original location. Biffa officers said that they should have been returned to the point from where they were collected from and that should have been monitored by our camera system. If they have the address then we can check up on this. Councillor Waller noted that in rural areas bins have been left in the middle of the driveway and people have to stop their car on the road to move them; which is dangerous on rural roads. The Chairman added that this was a common problem and almost all councillors would have had some experience of it.

The second question asked if the separation of waste requirements had been relaxed. Officers from Biffa noted that they did not set the policy so there was no change. But there were occasion where they would be catching up on missed collections and would take everything regardless.

The Chairman noted that there had been recycling sacks piled up in one place, were operators encouraged to do this? She was told that that should not be happening; they were currently working through these issues. Mr Marsh added that they should not be there for more than an hour. But this was also a national problem.

Councillor Brady said that she believed that the size of the bins had got smaller, was this the Council's idea or Biffa's. She was told that the overall size had not changed but the design had, it just looked smaller.

Officers from Biffa noted that that the new ways of working required change. They should have been using local crews; and once they started operating they were not achieving what they should. They then had to run three 'mop-up' crews to deal with the problems that arose. A combination of various issues caused a perfect storm. They also lost some employees and with them local knowledge. The new vehicles were different and needed some time for familiarisation; they were also slower which

impacted on the length of the rounds. They were also relying on the new IT system which had teething problems and the longer working days meant that they got caught up in traffic as well. They noted that they did not have enough resources and introduced four new rounds and also had to bring in new people.

They had lost 20% of their workforce and had to train up the new replacements, and they were just coming to grips with this now. They were now delivering the service that was expected. There were more improvements to come to bring the service up to a much higher level.

Mr Macnab noted that the scale of the problem was not appreciated at first by Biffa. Once the full scale of the problem was realised it was accepted that the only way was to work in partnership. There were weekly meetings with top management which produced a recovery plan. They also engaged another contractor for a weekend to clear up the backlog. EFDC and Biffa worked together to turn this around.

Councillor Surtees noted that over the summer some of the crews looked very tired working their new 10 hour shift instead of 8 hours. Has there been any increase in accidents, Health and Safety matters or a rise in the sickness levels. He was told that Health and Safety was high on their list. However, sometimes they had a number of agency and new staff not in a settled state, and they could take months to settle down. In the short term they would experience more accidents with new staff.

Councillor Surtees then asked if they could provide regular figures to this Committee on absenteeism, sickness etc.? Mr Macnab said that they had a Partnership Board that looked at the management information; they would look at this and share the information with members.

Mr Durrani in summation of the recent events and their current prospects noted that EFDC and Biffa had learnt a lot over the past months and have made a significant improvement in the service provided. The challenge was to continue to improve standards, achieve the recycling target and improve the work on the cleansing side; especially as the crews were now gaining experience and knowledge of our roads.

Officers from Biffa commented that they had employed more resources than they initially thought they would, but were now getting back to their tendered model, by addressing the challenges they faced. They had a problem with the street vehicles they used for street cleansing, which were not fit for purpose, but their new vehicles would bring this up to standard.

Councillor Neville noted that street cleansing consisted not just of the small vehicles but of people going out litter picking. How many missed areas had been reported? Mr Marsh replied that he did not have those statistics with him. He agreed that they had taken their eye off the ball for street cleansing as they were concentrating on the collection problems, but they were now getting to grips with it.

Councillor Surtees said that he was appreciative of all that had been done so far. He wanted to know how long before all freighters were as stated in the contract and we would no longer need agency staff; and would they have need of more vehicles? Officers from Biffa said that they would not give a time scale but were working as quickly as possible to normalise things. As for freighters they were looking to normalise this and were taking a long term view of this contract and were looking to build up that trust and confidence with the residence. They were working in partnership with EFDC to develop their services.

Councillor Whitehouse asked if they still used the extra staff. He was told that nowadays they did not use extra mop-up crews, just the normal crews to put things right so that they could learn the problems on their routes.

Councillor Brady commented that they had made tremendous improvements over the last seven months and thanked them for that. However, with Christmas coming was it all under control? She was assured that it was and they were prepared for it and foresaw no problems.

Councillor Surtees asked what he should say to his residents when they asked why their recyclables had not been collected. Biffa officers said that at the start there had been some confusion with the workforce and who collected what, also there was more recyclables than they had anticipated. Now, if the cage was full, the crews would call the supervisor to arrange for their collection. They hardly got any missed collections now.

The Chairman asked what the future prospects for our recycling figures were. Mr Attrill said that this was a national problem. A plastic bottle of the same size weighed less now than it did some years ago, that same went for glass bottles. Less paper was recycled as we as a society used less paper. The percentages and kilos would drop nationally because of this. But, they were starting to see new set of indicators coming through.

The Chairman asked the Biffa representatives if they were happy to attend a meeting of the Neighbourhoods and Community Services Select Committee in a few months time to update them on this matter. They agreed that they be happy to attend.

The Chairman noted that the next meeting of the Neighbourhoods and Community Services Select Committee would receive an interim report in January about tonight's meeting and a fuller report would go to the February Overview and Scrutiny Committee and onward to a future Cabinet meeting.

She thanked everyone present, the staff, Mr Attrill, the Biffa representatives and members of the public for participating in this interesting and informative meeting.

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## **Report to the Cabinet**

**Report reference:** C-081-2015/16

**Date of meeting:** 7 April 2016



**Epping Forest  
District Council**

**Portfolio:** Technology and Support Services

**Subject:** Smoking and Vaping Policy

**Responsible Officer:** Wendy Gains (01992 564084).

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

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### **Recommendations/Decisions Required:**

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

### **Executive Summary:**

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

A survey of staff was conducted in November 2015. The results showed that a clear majority of staff wanted vaping (the use of e-cigarettes and other electronic nicotine delivery systems) to be banned within Council offices and enclosed workplaces. The survey also sought staff opinion on the provision of smoking and vaping areas in unenclosed areas outside of offices and other workplaces.

The Council's Smoking Policy has been revised to reflect the views staff expressed through the survey. The revised policy also reflects the Management Board's wish for a consistent policy to be applied across all Council premises, including buildings open to the public and the communal areas of tenanted housing complexes.

The Joint Consultative Committee agreed to adopt the Policy with majority support from both sides.

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

The survey on smoking and vaping produced a good response from staff giving a clear indication of the wishes of staff with respect to vaping within Council workplaces and within the grounds. The survey was less clear with regards staff smoking in the grounds of the Civic Offices, however there was a clear indication that the provision of shelters was not supported. There was also a clear expectation that the banning of smoking within the grounds would displace the smokers to public land to the front of the building.

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

The Cabinet could decide to disregard the views of staff expressed in the survey with regards smoking and vaping at work.

The Cabinet could opt to ban smoking and/or vaping during working hours and on Council premises.

The Cabinet could opt to permit vaping within the workplace in all areas or only in designated internal areas.

### **Report:**

#### Smoking & Vaping Survey

1. The recent smoking and vaping survey of staff received 270 responses. Of these, 85% were based at the Civic Offices. The raw results are attached at appendix A.
2. There is an enormous amount of information on the pros and cons of vaping available on the internet. In order not to bias the survey one way or the other, none of this information was introduced into the survey question "Should vaping be permitted within Council offices and enclosed workspaces?" This was to allow each employee the opportunity to make their own decision based on their own knowledge, research and preference.
3. Without any information bias, a large majority of the employees who responded to the survey voted that vaping should not be allowed in offices and enclosed workspaces. A small majority of the staff who smoke or vape also voted that vaping should not be permitted within offices and enclosed workspaces.
4. The staff based at the Civic Offices were fairly evenly split on whether smoking should be permitted to continue in the area currently used. Over half of them did not support the provision of a shelter at a cost of £3500 plus a parking space. The additional comments included concerns that banning smoking from site would displace the smokers to public areas to the front of the building.
5. A clear majority (81%) of staff who responded did not want vaping to be permitted within Council offices and enclosed workspaces but two thirds thought vaping should be permitted in the grounds. A large majority did not support the provision of a separate shelter for vaping at a cost of £3500 plus one car parking space.
6. 11% of the respondents smoke and 6% of the respondents vape.

#### Provision of a Smoking Area at the Civic Offices

7. Comments received from respondents to the staff survey were, as expected, quite polarised regarding the provision of a smoking area. There were mixed feelings regarding the provision of shelter with several challenging the costs involved (estimated costs were provided by Facilities and took into account necessary ground works and labour). Some non-smokers supported the provision of shelter but not at that cost. Overall opinion was against the provision of shelter.

#### Revised Smoking and Vaping Policy



8. The Smoking Policy has been reviewed as a result of the survey and the new proposed Smoking and Vaping Policy attached at Appendix B.

9. The proposed changes are as follows:

- To ban vaping from all enclosed workplaces including vehicles in line with the current restrictions on smoking. The exception to this ban being the underground car park at the Civic Offices (see below).
- To ban vaping from Council buildings open to the public including the communal areas of housing developments, the communal areas of sheltered housing complexes, the communal areas of Norway House (the Council's homeless hostel), Epping Forest District Museum, the Lowewood Museum and the District's leisure centres that are managed on the Council's behalf (Epping Leisure Centre, Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool).
- To allow vaping in any reasonable area to the rear of the Civic Offices that is at least 2 metres away from doorways and windows. It is proposed that vaping be permitted in the underground car park at the Civic Offices to give those using electronic nicotine delivery systems (ENDS) as an aid to quitting smoking a vaping area separate from smokers. As it is sheltered, it may also be seen as an encouragement to those trying to quit cigarettes. Vaping will not be permitted near the doorways and working area.
- Managers responsible for other Council offices and workplaces to identify and make known external areas where vaping is permitted.
- References to vaping have been included alongside smoking in all other areas of the policy such as recording of breaks and visiting clients at home.
- A ban on charging e-cigarettes and ENDS via Council owned computer equipment has been included.
- The section on Support for those wishing to stop smoking has been expanded.

10. Members are asked to consider the background paper at appendix C which sets out information from Public Health England, the World Health Organisation and the National Health Service.

#### Joint Consultative Committee

11. The Joint Consultative Committee had a full debate on the issues raised by the report at its February meeting. The Policy was put to the vote and there was majority support from both sides. The Policy has been recommended to Cabinet for adoption.

#### **Resource Implications:**

The Cabinet should note that there will be a small expenditure on signage for building entrances and vaping areas in support of the policy. Expenditure is expected to be less than £300.

#### **Legal and Governance Implications:**

The Smoking and Vaping Policy complies with the requirements of the Health Act 2006 which states that *premises must be smoke-free if they are used as a place of work including vehicles*.

The policy also complies with Section 2(2) of the Health and Safety at Work etc Act 1974 which places a duty on employers to *provide and maintain a safe working environment which*

*is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.*

**Safer, Cleaner and Greener Implications:**

Restricting external areas where smoking is permitted and the provision of butt bins should reduce and contain smoking related litter.

**Consultation Undertaken:**

An online survey of staff was conducted during November 2015. A link to the survey was sent via email to all staff on 17<sup>th</sup> November. Staff had until the end of November to respond. Over 150 responses were received within 5 hours. 270 responses were received in total.

All respondents were asked if they worked at the Civic Offices. Only those that answered yes were then asked the two questions about smoking provision at the Civic Offices. All respondents were asked the questions regarding vaping. All respondents were asked if they smoke and if they vape. The raw results of the survey are attached at appendix A

**Background Papers:**

None.

**Risk Management:**

There have been incidences reported in the press of e-cigarettes exploding or catching fire when charged with the wrong adaptor. Prohibiting the charging of e-cigarettes and other ENDS through Council owned computer equipment will eliminate this as a fire risk in the offices.

# 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.

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Smoking and vaping may be undertaken by and may affect all groups of people.

Smokers and vapers are not recognised as a protected group under the Equality Act 2010.

Smoking and vaping areas at the Civic Offices are accessible to all.

The smoking area at the Civic Offices is located at one end of the site which may disadvantage persons with reduced mobility who work at the far end of the building.

Accessibility of smoking and vaping areas should be considered by managers of other sites when deciding on those areas.

As the health effects of vaping are still unclear, banning vaping from offices and enclosed work spaces will prevent any potential negative health effects on pregnant women and other staff.

Banning vaping from offices and enclosed work spaces will protect those with disabilities related to breathing difficulties and respiratory disorders from potential adverse effects on their health.

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# SMOKING & VAPING POLICY

FEBRUARY 2016



INVESTOR IN PEOPLE

## Smoking & Vaping Policy

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## Smoking & Vaping Policy

### 1. Aims of this Policy

This policy implements the provisions of the Health Act 2006 with respect to smoking at work.

The policy seeks to:

- Ensure a smoke-free working environment and protect Council employees, councillors, contractors and members of the public who enter EFDC premises, including vehicles by not exposing them to tobacco smoke;
- Ensure a working environment free of the vapours and chemical emissions of e-cigarettes and other electronic nicotine delivery products (ENDS);
- Support those who wish to stop smoking;
- Address the issues of smoking and vaping in Council and private vehicles, and staff visiting private homes;
- Comply with the core provisions of the Health Act.

(The policy does not cover the Council's public enforcement role in the community).

### 2. Introduction

Section 2(2) of the Health and Safety at Work etc Act 1974 places a duty on employers to: *'provide and maintain a safe working environment which is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.'*

The Health Act 2006 makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2(2) states that *premises must be smoke-free if they are used as a place of work including vehicles.*

A survey of staff conducted in November 2015 gave a clear indication that the majority of staff, 81% of respondents, did not want vaping (the use of electronic cigarettes or other ENDS) to be permitted within enclosed Council workplaces.

EFDC acknowledges that vaping is significantly less harmful than smoking and may be an aid to quitting smoking however it also acknowledges that the health effects of passive vaping are not known and that the exhaled vapours from e-cigarettes are a respiratory irritant to some people.

### **3. Scope of this Policy**

This policy will apply to all staff, councillors, visitors, contractors and other persons who enter the premises or vehicles of the Council, or private vehicles used on Council business. It will also apply to staff when visiting private homes, regardless of whether the occupant smokes or vapes.

This policy will apply to all Council offices and workspaces and to other Council premises open to the public including the communal areas of housing developments, the communal areas of sheltered housing complexes, the communal areas of Norway House (the Council's homeless hostel), Epping Forest District Museum, the Lowewood Museum and the District's Leisure Centres that are managed on the Council's behalf (Epping Leisure Centre, Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool).

This policy does not apply to tenanted housing and the private areas of tenanted housing developments or sheltered housing complexes.

#### **3.1 Restrictions on Smoking and Vaping**

Smoking and Vaping are not permitted in any part of the premises or at entrances (other than designated external areas) managed, leased or owned by the Council at any time, by any person regardless of their status or business with the organisation. By 'premises' is meant any building or substantially enclosed public or private area. Such spaces include lifts, corridors, stairways, lavatories, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent or semi permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter). An exception to this rule is to allow vaping in the underground car park at the Civic Offices.

Designated external areas where smoking or vaping is permitted will be positioned away from doorways and windows through which smoke or vapours may enter and cause a nuisance to those in the building. The Council will not provide shelters and smokers and vapers shall make their own arrangements for wet weather shelter. Where space allows, a separate area for vaping shall be provided away from the smoking area so that vapers who are trying to give up smoking do not have to stand with smokers.

It will be for the designated site managers to identify smoking and vaping areas at their sites. Designated smoking and vaping areas must be identified with signage and notified to staff.

Butt bins will be provided in or near these areas. The presence of a butt bin does not signify a designated smoking area. Smokers must keep away from buildings, doorways and windows.



In the case of the Civic Offices, there is **one** designated smoking area. This is in car park 1, near the compactor, away from the main building. Smokers must not use the area under the nearby fire escape as this is too close to the building and allows smoke to enter offices. Most importantly, employees are not permitted to smoke outside the front of the Civic Offices.

At the Civic Offices, vaping is permitted in any area to the rear of the buildings that is at least 2 metres away from building entrances and windows. Vaping is also permitted in the underground car park away from doorways and work areas.

### **3.2 Staff and Councillors**

Staff and councillors are only permitted to smoke or vape in unenclosed designated areas. This applies to councillors while they are on Council premises, and to staff whilst they are at work, including whilst on official breaks, (e.g. lunchtime). Smoking and vaping breaks during contracted working hours are permissible and, if taken, must not be excessive. These breaks will be monitored by managers and must not disrupt the day-to-day operational working of the service or team. Any smoking or vaping break taken must be deducted from the employee's contracted hours or flexi balance and the deductions recorded on the employee's Time Recording Sheet.

### **3.3 Vehicles**

- (i) smoking and vaping are not permitted under any circumstances or at any time in vehicles owned or leased by the Council;
- (ii) smoking and vaping are not permitted in private cars owned or leased by employees or councillors at times when they are used to carry other employees, councillors, contractors, visitors or any other members of the public on Council business.

For the avoidance of doubt the views of the occupants of any of the above-mentioned vehicles are immaterial to the application of this policy.

### **3.4 Visiting clients or staff in their home**

Employees visiting clients or staff (on Council business) in their home are not directly covered by the Health Act. This means that clients/staff are not required to refrain from smoking at home whilst being visited by an EFDC employee. However, under this policy employees must not smoke or vape whilst visiting a client/other member of staff, even if the client/staff member is smoking or vaping.

Employees visiting clients or staff (including other members of the household) who smoke or vape at home may make a request to the client that all

household members refrain from smoking and vaping during the visit. They may also ask the client to provide adequate ventilation, for example, in the form of open windows or that the visit takes place at an alternative venue. Such requests must be made sensitively, and the client may refuse to comply. If this is the case the interviewer is given the discretion to terminate the interview if other reasonable arrangements cannot be made for the interview to take place elsewhere in a smoke and vapour free environment.

### **3.5 Charging e-cigarettes and other electronic nicotine delivery systems**

E-cigarettes and other electronic nicotine delivery systems must not be charged via Council owned computer equipment.

### **3.6 Support for those wishing to stop smoking**

Information on stopping smoking with support from local cessation services is available from the following:

#### **NHS Smokefree**

National Helpline: 0300 123 1044

Website <http://www.nhs.uk/smokefree> for quit kits, email, app, text messaging and in person support

Twitter @nhssmokefree, or on facebook

You Tube: smokefreevideos

#### **ACE Stop Smoking Service**

Services delivered on behalf of Essex County Council by Anglian Community Enterprise.

Tel: 0800 022 4542

Text: 07860 025327

Website <http://www.acecic.co.uk>

Twitter @ACECIC, or on facebook

#### **Quit**

Tel: 0800 002200

Website [www.quit.org.uk](http://www.quit.org.uk)

Twitter @QUITsaves\_lives

From time to time the Council may promote its own smoking cessation initiatives in conjunction with its Occupational Health Service provider.

#### **4. Implementation of this Policy**

Staff, councillors, contractors, members of the public and volunteers are personally responsible for complying with this policy. Day-to-day responsibility for implementation lies with Directors. To ensure that everyone understands that smoking and vaping are only allowed in designated external areas, clear signs will be displayed.

Any member of staff refusing to observe the policy by smoking or vaping in unauthorised areas will be liable to disciplinary action in accordance with the disciplinary procedure.

All staff have a role to play in enforcing the policy and are required to report to their manager any observed or reported breaches. If a member of the public refuses to stop smoking or vaping in a designated no smoking or vaping area they should be asked to leave the premises and informed that the Council will refuse to deal with them whilst they are in breach of the smoking and vaping ban.

In the event of a breach of the policy by a visitor (for example from another organisation), they should be asked to desist and to extinguish all smoking materials and be informed of the availability of external smoking and vaping areas. If they continue to smoke or vape the matter should be referred to the appropriate manager. In the event that staff or visitors continue to breach the policy, the person/organisation should be advised in writing of the consequences of breaching these requirements by the Manager.

#### **5. Review of this Policy**

This policy will be reviewed by April 2017.

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## Smoking and Vaping at Work

### Q1 Are you based at the Civic Offices?

Yes .....	229 (85%)
No.....	41 (15%)
Total.....	270

### Q2 Should employees be allowed to smoke in the grounds of the Civic Offices?

Yes .....	101 (44%)
No.....	92 (41%)
Don't care .....	34 (15%)
Total.....	227

### Q3 If smoking is permitted in the grounds of the Civic Offices, should a smokers shelter be provided (estimated cost £3500 plus the loss of one parking space)?

Yes .....	40 (29%)
No.....	77 (56%)
Don't care .....	21 (15%)
Total.....	138

### Q4 Should vaping be permitted within Council offices and enclosed workspaces?

Yes .....	45 (17%)
No.....	217 (81%)
Don't know.....	7 (3%)
Total.....	269

### Q5 Should employees be allowed to vape in the grounds of the Council offices?

Yes .....	169 (64%)
No.....	80 (30%)
Don't know.....	17 (6%)
Total.....	266

### Q6 If staff are permitted to vape in the grounds of the Civic Offices, should a shelter separate from smokers be provided (estimated cost £3500 plus the loss of one parking space)?

Yes .....	29 (11%)
No.....	215 (80%)
Don't care .....	24 (9%)
Total.....	268

### Q7 Do you smoke?

Yes .....	29 (11%)
No.....	239 (89%)
Total.....	268

### Q8 Do you vape?

Yes .....	17 (6%)
No.....	247 (94%)
Total.....	264

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### Background Paper regarding Smoking and Vaping at Work.

#### Vaping – Is it safe?

The answer is – we don't know for sure.

Public Health England have stated that vaping should be encouraged as a means to assist smokers to quit smoking tobacco products. They have stated that vaping is 95% less harmful to users than smoking. They have also stated that e-cigarettes have around 4% of the relative harm of cigarettes overall (including social harm) and 5% of the harm to users (see extract below). Therefore there is some perceived harm to both vapers and passive vapers, albeit at a much lower level than smoking or passive smoking.

The World Health Organisation have stated “The fact that ENDS (electronic nicotine delivery systems) exhaled aerosol contains on average lower levels of toxicants than the emissions from combusted tobacco does not mean that these levels are acceptable to involuntarily exposed bystanders. In fact, exhaled aerosol is likely to increase above background levels the risk of disease to bystanders, especially in the case of some ENDS that produce toxicant levels in the range of that produced by some cigarettes.” (see extract below).

Other research projects have linked chemicals in exhaled vaping aerosol with lung disease whilst other experts refuted the claims. Examples of this are also given below.

The NHS website states the following: “Many e-cigarette users may be asking themselves whether they should stop vaping. This study only provides indirect evidence of a risk linking chemicals in e-cigarettes to lung disease, but, if this is true, the consequences could be serious.

At present, there are more questions than answers. There's little doubt not smoking tobacco or e-cigarettes is the best way to reduce your risk.”

It is a fact that a minority of people, mostly those with pre-existing respiratory problems, find the exhaled aerosols of vaping to be a respiratory irritant. Some employees who responded to the survey confirmed that vaping vapours cause them respiratory irritation.

#### Conclusion

What is clear is that vaping is significantly safer than smoking and those that choose to vape as a means of quitting smoking should be encouraged to do so. However this does not mean that the majority of staff, who have expressed their preference not to be exposed to vaping products should have their views ignored. Indeed, if in the future it is proven that there is a risk to health from the inhalation of vaping chemicals, the Council may be considered to have been in breach of its statutory duty to the health and safety of employees for deciding to allow the exposure of employees to vaping chemicals in the workplace despite the information readily available from reputable organisations such as the World Health Organisation, Public Health England and the NHS.

The proposed changes to the smoking and vaping policy have acknowledged the benefits to smokers of switching to vaping by permitting vaping in the shelter of the underground car park at the Civic Offices and in any reasonable area away from doors and windows in the grounds of all Council premises.

The proposal **not** to permit vaping in offices and enclosed workplaces acknowledges the preference of the majority of staff who responded to the survey, protects those who are affected by vaping vapours from exposure at work and ensures the Council fulfils its obligation to protect, so far as is reasonably practicable, the health, safety and welfare of its employees.

## Sources of quoted information

### Extracts from World Health Organisation Report FCTC/COP/6/10 'Electronic nicotine delivery systems' dated 21/07/14

#### 28. Potential interference with smoke-free policies.

(a) Smoke-free policies are designed not only to protect non-smokers from second-hand smoke, but also to provide incentives to quit smoking and to denormalize smoking as adolescents are particularly vulnerable to visual cues and social norms.

(b) The use of ENDS in places where smoking is not allowed

(i) increases the exposure to exhaled aerosol toxicants of potential harm to bystanders,

(ii) reduces quitting incentives, and

(iii) may conflict with the smoking denormalizing effect.

(c) Many ENDS look like smoking products and even if they do not resemble them, the exhaled vapour looks like tobacco smoke. ENDS are marketed to be used where smoking is prohibited and given the resemblance to tobacco products it is likely that their use where smoking is banned will make enforcing smoke-free policies more difficult.

(d) The fact that ENDS exhaled aerosol contains on average lower levels of toxicants than the emissions from combusted tobacco does not mean that these levels are acceptable to involuntarily exposed bystanders. In fact, exhaled aerosol is likely to increase above background levels the risk of disease to bystanders, especially in the case of some ENDS that produce toxicant levels in the range of that produced by some cigarettes.

#### 41. Use of ENDS in public places.

Since the reasonable expectation of bystanders is not a diminished risk in comparison to exposure to second-hand smoke but no risk increase from any product in the air they breathe, ENDS users should be legally requested not to use ENDS indoors, especially where smoking is banned until exhaled vapour is proven to be not harmful to bystanders and reasonable evidence exists that smoke-free policy enforcement is not undermined. If smoke-free legislation is not fully developed according to Article 8 of the WHO FCTC and the guidelines for its implementation, this should be done as soon as possible.

#### 49. Health warnings.

ENDS health warnings should be commensurate with proven health risks. In this regard, the following risk warnings could be considered: potential nicotine addiction; potential respiratory, eyes, nose and throat irritant effect; potential adverse effect on pregnancy (due to nicotine exposure).

### Extracts from 'e-cigarettes: an evidence update' Published by Public Health England, August 2015

#### Extract from the Executive Summary:

Acknowledging that the evidence base on overall and relative risks of EC in comparison with smoking was still developing, experts recently identified them as having around 4% of the relative harm of cigarettes overall (including social harm) and 5% of the harm to users.

#### Extract from Summary of Chapter 10: Safety of e-cigarettes in light of new evidence

A high level of formaldehyde was found when e-liquid was over-heated to levels unpalatable to EC users, but there is no indication that EC users are exposed to dangerous levels of aldehydes;

#### Extract from Chapter 10: Safety of e-cigarettes in light of new evidence

Two recent reports raised a possibility that under certain conditions, EC may release high levels of aldehydes. Aldehydes, including formaldehyde, acrolein and acetaldehyde, are released in tobacco



smoke and contribute to its toxicity. Aldehydes are also released with thermal degradation of propylene glycol and glycerol in e-liquids. Previous studies detected the presence of aldehydes, especially formaldehyde, in the vapour from some EC, but at levels much lower than in cigarette smoke [138]. Across brands, EC released 1/50th of the level of formaldehyde released by cigarettes. The highest level detected was six times lower than the level in cigarette smoke [138].

### **Extract from Chapter 10: Safety of e-cigarettes in light of new evidence, Summary of findings**

None of the studies reviewed above alter the conclusion of Professor Britton's 2014 review for PHE. While vaping may not be 100% safe, most of the chemicals causing smoking-related disease are absent and the chemicals that are present pose limited danger. It had previously been estimated that EC are around 95% safer than smoking [10, 146]. This appears to remain a reasonable estimate.

### **Flavoring Chemicals in E-Cigarettes: Diacetyl, 2,3-Pentanedione, and Acetoin in a Sample of 51 Products, Including Fruit-, Candy-, and Cocktail-Flavored E-Cigarettes** Research article published in Environ Health Perspect; DOI:10.1289/ehp.1510185

#### **Abstract of article**

Background: There are over 7,000 e-cigarette flavors currently marketed. Flavoring chemicals gained notoriety in the early 2000's when inhalation exposure of the flavoring chemical diacetyl was found to be associated with a disease that became known as "Popcorn Lung." There has been limited research on flavoring chemicals in e-cigarettes.

Objective: To determine if the flavoring chemical diacetyl, and two other high-priority flavoring chemicals 2,3-pentanedione, and acetoin, are present in a convenience sample of flavored e-cigarettes.

Methods: We selected 51 types of flavored e-cigarettes sold by leading e-cigarette brands and flavors we deemed were appealing to youth. E-cigarette contents were fully discharged and the air stream was captured and analyzed for total mass of diacetyl, 2,3-pentanedione, and acetoin, according to OSHA Method 1012.

Results: At least one flavoring chemical was detected in 47 of 51 unique flavors tested. Diacetyl was detected above the laboratory limit of detection 39 of the 51 flavors tested, ranging from < limit of qualification (LOQ) to 239 µg/e-cigarette. 2,3-pentanedione and acetoin were detected in 23 and 46 of the 51 flavors tested at concentrations up to 64 and 529 µg/e-cigarette, respectively.

Conclusion: Due to the associations between diacetyl, bronchiolitis obliterans and other severe respiratory diseases observed in workers, urgent action is recommended to further evaluate this potentially widespread exposure via flavored e-cigarettes.

### **Flavouring found in e-cigarettes linked to 'popcorn lung'**

Extract from NHS website published Tuesday December 8 2015

(<http://www.nhs.uk/news/2015/12December/Pages/Flavouring-found-in-e-cigarettes-linked-to-popcorn-lung.aspx>)

#### **Conclusion**

This study shows three chemicals reportedly linked to serious lung damage are present in many flavoured e-cigarettes in the US, raising concerns about their safety.

Although the study tested US brands, it is likely similar findings would be found here in the UK, where e-cigarettes are similarly unregulated.

However, this issue is not black and white. The researchers' concerns have been rightly raised, and their conclusion that urgent research needs to follow this study seems logical given the apparent lack of knowledge in this area.

Still, much of the potential health risk and alarm factor of this study hangs on the strength of previous reports suggesting these chemicals can cause lung damage.

But this particular study did not address this directly. We do not yet know whether these chemicals, in their vaporised forms and inhaled at the levels typical in e-cigarettes, cause any lung damage.

This study simply looked at how often the three chemicals were detected in e-cigarettes, assuming a link with potential lung damage from other studies that were not appraised here.

What we really need is more information on the potential causal link between these chemicals and lung disease, particularly the doses at which any damage might occur, which may or may not be present in e-cigs.

Many e-cigarette users may be asking themselves whether they should stop vaping. This study only provides indirect evidence of a risk linking chemicals in e-cigarettes to lung disease, but, if this is true, the consequences could be serious.

At present, there are more questions than answers. There is little doubt not smoking tobacco or e-cigarettes is the best way to reduce your risk.

## **Report to the Cabinet**

**Report reference:** C-082-2015/16  
**Date of meeting:** 7 April 2016



**Epping Forest  
District Council**

**Portfolio:** Technology and Support Services  
**Subject:** Smarter Working Framework - Flexible Working Policy & Flexi Scheme  
**Responsible Officer:** Paula Maginnis (01992 564536).  
**Democratic Services:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) That, as requested by the Joint Consultative Committee, the Smart Working Framework and Flexible Working Policy as attached at appendices A and B respectively be adopted;
- (2) That Cabinet agree the Flexi Scheme as attached at appendix C; and
- (3) That the summary of the feedback from the employee Smarter Working Consultation Workshops be noted.

### **Executive Summary:**

Management Board, the Leadership Team, the Joint Consultative Committee (JCC) and a number of employees have been consulted on all or some of the policies included in this report, or have been consulted on the Council's approach to these initiatives.

As a result of this consultation Policies were reviewed and where necessary amended. It is proposed that they sit together under an overarching Framework document so that they are together in one place.

The JCC recommended adoption of the Smart Working Framework and Flexible Working Policy by the Council. There is an outstanding item for Cabinet to consider regarding the Council's Flexi Scheme relating to employees claiming travelling time to and from external training courses/conferences. (See paras 17 – 20 of the report).

In addition, the report contains a summary of the main themes and comments from the consultation sessions which were held with staff in September and October 2015, for information.

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

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

## **Other Options for Action:**

Cabinet could amend the policies further or substitute other processes.

## **Report:**

### Background

1. Since June 2015 Management Board and JCC have been considering a number of Policies regarding Home and Flexible Working. In addition, the Leadership Team reviewed the Council's Flexi Scheme in conjunction with employee comments from the 2013 Survey specifically relating to the Flexi Scheme.

2. Four consultation sessions were arranged in September/October 2015 with approximately 60 employees attending. They were consulted on their thoughts and concerns regarding alternative ways of working currently in place and what other options could be considered. Each of the sessions covered the following areas;

- What does Smarter Working mean to you? Is this the right name for the suite of policies? Do you have any alternative suggestions?
- What are the benefits of Smarter Working? What is working well?
- What are your fears/concerns about Smarter Working?
- What else should the Council consider?

Details of the feedback are set out in paragraphs 21 to 40 of this report.

### Policies

3. The Policies attached to this report have been amended to take account of the consultation undertaken with the JCC, the Leadership Team and employees. The two Policies for consideration by Cabinet are;

- Flexible Working/Retirement
- Flexi Scheme

A summary of the main amendments to the Policies are set out below.

4. Discussions are still continuing with the JCC regarding the Homeworking Policy which will be subject to a further report following its meeting in April 2016.

### Smart Working Framework

5. It is proposed that all Policies relating to flexible working sit under a new overarching framework document, the Smart Working Framework. As with the Employee Management Framework, this approach is intended to assist managers by locating these management processes in one place, also making links with other Council Policies. Following suggestions from employees other policies and guidance developed in the future could sit under this Framework. The Framework is at Appendix A for consideration.

### Flexible Working/Retirement Policy

6. The main change to this Policy is that all Smart Working requests, including working from home and flexible retirement, will be made through this process. The intention is that all requests are made in the same way so that both employees and managers will be required to

consider the same issues no matter what the request.

7. There has been a statutory right, since June 2014, for all employees to request flexible working, the right is no longer confined to employees with child care or responsibilities for other dependents. There remains in place eligibility criteria, i.e.:

- the employee has been employed by the Council continuously for 26 weeks or more; and
- they have not previously made a flexible working request in the previous 12 months.

8. By having all the requests in one place using the same application process, there will be consistency across the Council for all requests.

9. Requests for temporary changes to working patterns/arrangements will be considered outside this Policy as this type of request is not covered by the statutory right, only permanent changes are.

10. The Policy is at Appendix B for consideration.

### **Flexi Scheme**

11. Following discussions at the Leadership Team and comments from the consultation sessions, this policy has been reinforced regarding:

- staff start/finish times;
- working additional hours; and
- using the electronic time recording sheet.

12. However, it is proposed that full time employees will be required to work 5 hours core time as agreed by the manager and employee taking account of service delivery, availability of work to be done, access to the workplace being possible and taking into account the requirements of the team. This will allow more flexibility where possible.

13. Core hours will be pro-rata for part-time employees and determined by the manager.

14. In addition it is proposed to extend the lunch time period by 1 hour, from 11.30am to 2.30pm.

15. The Scheme no longer specifies that all employees need to start and finish an accounting period at exactly the same time. It probably now reflects the reality whereby employees start their employment on different dates and their accounting period starts from that date. This also means that not all employees in a team are trying to take flexi-leave at the same time.

16. What remains the same in the policy is:

- the amount of credit and deficit hours;
- the number of days that can be taken as flexi leave in an accounting period;
- the length of the day;
- the length of a lunch break; and
- default start and finish times if no alternative start/finish times have been agreed, i.e. for full time staff, 9.30am/3.30pm.

17. There remains an outstanding issue for Cabinet to consider regarding paragraph 10.3

of the Flexi Scheme Policy. This section currently states;

*'10.3. Employees undertaking a day or half day external training should only book 7hrs 12mins or 3hrs 36 mins respectively, regardless of travelling time.'*

18. There are several reasons why this is the case:

(i) any training an employee receives is usually to their advantage i.e. it could help them apply for promotion, new roles etc;

(ii) the Council pays for the training which indicates an investment in the employee, the employee, it could be argued, should invest some of their time as a quid pro quo;

(iii) many training courses start later and finish earlier than a standard day, in many cases making it shorter than a normal day; and

(iv) even if the training is specifically job related and to the benefit of the Council, the Council is still investing money and time away from the office for those employees.

19. Some members of the Joint Consultative Committee suggested that the following options are considered:

(a) all employees claim travel time for external training (including conferences); or

(b) all employees claim travel time for external training (including conferences) minus the usual time taken to travel from home to the work place; and

(c) with either option the exact times are recorded by the employee.

20. The Policy is at Appendix C for consideration.

#### Summary of the Consultation Sessions

21. Employees participating in the consultation sessions were informed that Management Board would receive feedback under themes so that no comments would be attributable to individuals. The main themes from the sessions were:

- Employee Communication;
- Employee Consultation;
- ICT;
- Current/Future Policies; and
- Future Considerations.

22. A summary of the points raised by employees is set out below.

#### Employee Communication

23. The point made most strongly by employees at the sessions is that they want clarity and understanding of why the Council is embarking on a change programme, what are the drivers for implementing change? What is Epping's story? Unfortunately, the feedback to some employees following a presentation by Colchester have caused concerns in that employees have the perception that we will follow the same path as Colchester which may not be right for Epping. Also, there are many rumours regarding the future of the Civic Offices and accommodation.

24. Employees wish to have open and honest communication across the Council regarding the transformation programme.

25. The Policies must be extensively publicised so that all employees and managers are aware of the opportunities available and how to apply for them.

#### Future Consultation

26. Employees appreciated and liked the approach taken for these consultation sessions and the employee engagement sessions.

27. Employees expressed a wish to be more involved with corporate projects and policy review.

28. Employees wish to see more consultation undertaken at a team level where appropriate. For example, the introduction of flexible working and ICT equipment.

#### ICT

29. Employees expressed concerns about the capacity of ICT to deliver a service to those working different arrangements. This is both in terms of staff resources i.e. out of hours, also the skills and abilities.

30. Whilst employees were encouraged to see the new equipment provided to assist them to work alternative ways, there were some gaps in training to ensure the full functionality of the equipment was understood by users

31. Concerns were raised about accessing documents and information. The majority of information is paper based and without full access to electronic records many teams would be unable to consider home, remote or mobile working.

#### Current/Future Policies

##### (I.) Flexi Scheme

32. Employees are really appreciative of the Flexi Scheme and the ability to work flexibly. However, some employees are unaware of the current opportunities already available for them to request i.e. flexible retirement.

33. Employees asked that when managers consider flexible working requests they take account of the requirements of the team, that there is fair distribution of work and they acknowledge and manage any extra pressures felt by the team.

34. Managers attending the sessions acknowledged the tensions within the current Flexible Working or Flexi Time Schemes that whilst they are intended to offer flexibility to employees managers still have a responsibility to deliver a service during open hours. In some cases it just is not possible to be as flexible as employees expect.

35. Employees requested that the electronic Time Recording Sheet is reviewed, to see if improvements can be made especially for part-time employees. This review has been undertaken by the Personal Data Working Group and changes have been made for the new release.

## (II.) Homeworking

36. A number of employees gave very positive feedback of where homeworking was a positive and helpful arrangement for them. Where it is personal choice, ad hoc or 1 to 2 days a week employees appreciate the ability to request home working. Employees do not want homeworking imposed on them.

37. There are a range of concerns regarding homeworking, but this seemed to come from a perspective that the Council would only consider 5 day per week home working, rather than ad hoc and less number of days. The range of concerns include:

- Isolation of employees;
- Communication issues;
- How to manage staff/lack of trust;
- Loss of team work/ethic/spirit;
- Loss of knowledge; and
- Potential for duplication.

## (III.) Hot Desking

38. Currently the Council does not have in place any guidance regarding Hot Desking. Employees had a number of concerns regarding Hot Desking, including:

- Difficulties caused by not having the correct ratio of desks to employee;
- The configuration of the Civic Offices may not be helpful with hot desking;
- Hot Desking could create 'towels on beds' situations with employees getting to the offices early to get 'their'/a desk also for their friends;
- Loss of team work/ethic/spirit; and
- Work time wasted with just finding an available desk.

39. It was suggested that the Council could consider 'Hot Desk Zones' which may assist with some of the above.

## Future Considerations

40. Suggestions included:

- Co-locating with other partner organisations either here or elsewhere;
- Introduce unpaid leave for career breaks/sabbaticals;
- Extend working hours to include weekends;
- Hot Desk Policy/Guidance; and
- Greater use of flexible options in bad weather or major transport issues.

### **Resource Implications:**

There are no resourcing issues regarding the implementation of the policies. No budget has been identified for ICT equipment. This will be subject to the annual ICT Capital Report or in some cases from the Invest to Save fund.

### **Legal and Governance Implications:**

None.



**Safer, Cleaner and Greener Implications:**

N/A.

**Consultation Undertaken:**

Consultation has been undertaken with staff, the Joint Consultative Committee, Leadership Team and Management Board.

**Background Papers**

None.

**Risk Management:**

N/A.

# Due Regard Record

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

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

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The Smarter Working Framework and associated Policies provides clear guidance to all managers and employees across the authority on the various options open to them regarding alternative working arrangements.

The Policies may assist employees balance their home/work responsibilities which in turn may assist the Council in retaining experienced and valued employees.

# SMART WORKING FRAMEWORK

**December 2015**



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## **1. SCOPE AND PURPOSE**

- 1.1 The Council recognises that by establishing a more flexible workforce it would enhance the service that can be provided to our customers by being more accessible and extending our availability to reflect the needs of our customers.
- 1.2 At the same time we recognise that the Council and our employees would benefit from working more flexibly including the hours they work, how they work and increasingly where they work. By introducing more flexible ways of working we can improve employment opportunities for our employees.
- 1.3 We are working towards getting the best out of our existing and new employees and providing an excellent service. We are also assisting employees to balance their personal circumstances, responsibilities and interests more effectively with their employment commitments and we are focused on reducing accommodation costs by reducing the office space we need. The policies under this Framework are a step towards supporting these aims.
- 1.4 The aims of the Framework are to support flexible ways of working, improve the customer experience, increase efficiency and improve recruitment and retention of staff. It aims to support work-life balance and to suit the particular needs of all parties and services concerned.
- 1.5 The appropriateness of the application of the Policies to all employees will vary from role to role, team to team, directorate to directorate and individual circumstance. They would not usually apply to casual or agency workers or consultants.
- 1.6 The individual Policies include;
  - Flexible Working including Flexible Retirement
  - Homeworking
  - Flexi Time Scheme


## **2. INTRODUCTION**

- 2.1 Work is increasingly being seen as an activity that can be done from any location, including the community, customer sites, on the move, touchdown points or home. Whilst it is accepted that not all jobs or employees may be suitable for such arrangements, each situation will be considered on its own merits.
- 2.2 For guidance, the main options are as follows and requests will be determined by your Director/Assistant Director/Line Manager, based on service need, existing arrangements and the role in question;
  - Permanent Homeworking: Roles that can deliver their responsibilities to the same standard or higher from home and the home environment is suitable for work.
  - Permanent Mobile/Home Worker: There is a mobile element to the role where work can be delivered to the same standard or higher out of the office and the home environment is suitable for work.

- Permanent Mobile/Office: There is a mobile element to the role where work is delivered out of the office but there is some requirement for office presence.
  - Fixed Home Working Pattern: The role demands some office presence and the home is suitable for working on specific days.
  - Ad hoc Home Working: The role demands office presence for the majority of the time but the role can be delivered to the same standard by introducing an element of flexibility.
  - Roaming Office: The role demands an office presence but not a fixed location.
  - Full Time Owned Desk: The role requires a static position so face to face contact is easy and time efficient.
  - Workplace not Office - Location based Working: Face to face service delivery out of office environment i.e. co locating to a library or other facility to deliver a service.
  - Flexible Working: Any of the above options but an alternative working pattern is agreed i.e. flexible retirement part-time, compressed hours, job share or different start and finish times. (This list is not exhaustive).
- 2.3 Managers may wish to consider promoting the opportunities for Smart Working arrangements for a role as part of a recruitment campaign. It is likely that the arrangements will initially be on a temporary basis to allow a review to take place as to the suitability of the arrangements and the employee.

### **3. GENERAL PRINCIPLES**

- 3.1 All Smart Working requests will be made through the Flexible Working Policy. Additional advice and guidance on homeworking can be found in the Homeworking Policy.
- 3.2 Employees will not have an automatic entitlement to alternative working arrangements; not all roles within the authority are suitable for Smart Working arrangements. The Assistant Director/Line Manager will make the final decision as to whether the role is suitable for Smart Working.
- 3.3 The first stage in deciding whether a role is suitable to Smarter Working is for the Assistant Director/Line Manager to establish whether the proposed arrangements would provide better customer and service performance than existing arrangements currently allow. If they do not, alternative working arrangements can be considered if both customer and service performance are at least no worse than current arrangements provide. The Assistant Director/Line Manager will make this assessment and the decision.
- 3.4 Paramount to the Assistant Director/Line Manager making any decision for Smart Working is the impact on service delivery and also the overall working arrangements of the team.

- 
- 3.5 When work is being carried out in the home employees will not combine work with care of dependents during working hours; the 'roles' are to be kept separate, otherwise homeworking will not be agreed.

#### **4. FURTHER GUIDANCE**

- 4.1 Further guidance on the operation, interpretation and application of the Framework is available from HR.
- 4.2 Where relevant, each of the Policies has its own HR and Manager Toolkit which provides additional guidance, template letters and aids. The Toolkits can be found on the intranet.

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# **FLEXIBLE WORKING POLICY**

**December 2015**



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## **1. INTRODUCTION**

- 1.1 All employees have the statutory right to ask to work flexibly which managers should consider fairly and on its own merits. A request can be refused where there are compelling business reasons. This guide explains the key features of these requests and the process that has been developed to implement it. The Policy also includes guidance on requests for Flexible Retirement.
- 1.2 Where a change is agreed, it will be a permanent variation of the employee's contract and there will be no automatic right to revert back to the former arrangement.
- 1.3 This procedure does not apply to volunteers, casual or agency workers.
- 1.4 Further details on Homeworking can be found in the Homeworking Policy and information on the Pension Scheme can be found in the Pension Policy both are on the intranet.

## **2. FLEXIBLE WORKING**

- 2.1 Flexible working involves changing work patterns to allow employees to balance the needs of their home and work lives. Changes that may be requested relate to working hours, times of working and place for work.
- 2.2 Flexible working incorporates a wide variety of working practices - most people are familiar with working part-time for reduced pay, or working different shift patterns.
- 2.3 Other ways of working include the following:
  - Annualised hours: working time organised on the basis of the number of hours to be worked over a year, rather than a week. Pay will depend on the hours worked each pay period;
  - Compressed hours: involves working the total number of agreed hours over a shorter period. For example, working full-time hours over four rather than five days. Full-time pay would be paid but no overtime for the agreed extra hours worked each day;
  - Flexitime: employees choose their working hours (subject to the requirements of the service) outside agreed core hours as long as sufficient hours are worked in total, within an agreed period;
  - Job-sharing: involves two people working part-time to undertake a full-time post and requires hand-over arrangements to ensure continuity;
  - Shift working: involves working outside the normal 9 a.m. to 5 p.m. working day in an agreed pattern;
  - Staggered hours: allows staff to alter their start and finish times.
  - Term-time working: allows staff to take unpaid leave of absence during the school holidays. Salary is paid throughout the year, but at a lower level to reflect the fact that less than 52 weeks are worked per annum.

- 2.4 Other arrangements could include;
- Permanent Homeworking. (See the Council's Homeworking Policy)
  - Permanent Mobile/Home Worker: There is a mobile element to the role where work can be delivered out of the office and the home environment is suitable for work.
  - Permanent Mobile/Office: There is a mobile element to the role where work is delivered out of the office but there is some requirement for office presence.
  - Fixed Home Working Pattern: The role demands some office presence and the home is suitable for working on specific days.
  - Ad hoc Home Working: The role demands office presence for the majority of the time but the role can be delivered to the same standard by introducing an element of flexibility.
  - Roaming Office: The role demands an office presence but not a fixed location.
  - Workplace not Office - Location based Working: Face to face service delivery out of the office environment.
- 2.5 Nothing in this Policy or Framework stops managers discussing the options in para 2.4 with their employees, even if no request has been made by the employee.
3. **ELIGIBILITY**
- 3.1 Employees will be entitled to request flexible working if they have:
- 26 weeks continuous service with Epping Forest District Council at the date of application;
  - not made a request to work flexibly in the previous 12 months. Unless their role has materially changed since the previous request or the employee has changed role.
- 3.2 The employee should state on the application form if they are making a request to work flexibly in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability or caring responsibilities. However, when work is being carried out in the home it will not be appropriate to combine home working with the care of dependents during working hours, the 'roles' must be kept separate otherwise the request will not be agreed.
- 3.3 Only one application can be made per year regardless of whether a previous application was made in respect of a different reason.
- 3.4 If the employee's application is accepted, then the change will be permanent and the employee will not have an automatic right to revert back to their previous working pattern.

#### 4. **FLEXIBLE RETIREMENT**

4.1 For employees requesting flexible retirement the eligibility criteria set out in paragraph 3.1 does not apply. Employees who are active members of the Local Government Pension Scheme (LGPS) from age 55 can request that the Council considers a flexible retirement request if:

- There has or will be a permanent reduction in their working hours by at least 25%, and/or
- There is a reduction in grade (but not as a result of job evaluation or redeployment), and
- The application is received within 3 months of the change in hours and/or grade, and
- There are no associated costs for the Council.

4.2 Agreement to any flexible retirement request will be determined by the Assistant Director/manager, based on service need, existing arrangements and the role in question.

4.3 An employee will not be permitted to exercise a second flexible retirement option.

4.4 Once a flexible retirement request has been received the manager will request that payroll liaise with the Essex Pension Fund to ensure there is no cost to the Council. As this process can take up to 1 month employees and managers need to factor this into any timescales.

4.5 If there is a cost to the Council i.e. financial strain, whatever the amount, the Assistant Director/manager will refuse the request.

4.6 The Council will not waive any reduction to an employee's pension as a result of a successful flexible retirement request.

4.7 Employees can continue paying into the LGPS on their reduced hours or new role, building up a new pension fund in the scheme. (For further information please refer to the Council's Pension Policy and the Discretionary Powers Policy Statement attached to the Pension Policy).

4.8 There will be no right of appeal to the Council against a refusal to agree a Flexible Retirement request on the basis of financial strain (i.e. cost) to the Council.

#### 5. **MAKING AN APPLICATION**

5.1 For all Flexible Working/Retirement applications employees must apply to their manager using the Flexible Working/Retirement Application Form. Setting out their desired working pattern/arrangements, the benefits to the Council and arguments why it can be implemented. Also what effect they think the requested change would have and how, in their opinion, any such effect might be dealt with.

- 5.2 An application will be taken as having been made on the day that it is received by the manager and should be date stamped accordingly.
6. **CONSIDERING THE APPLICATION**
- 6.1 Managers must consider and complete any Flexible Working/Retirement request within 3 months of receipt of the request, including any appeal.
- 6.2 Managers must seriously consider an employee's request, approaching it positively and sympathetically whilst recognising the need to provide an effective and efficient service, also considering existing arrangements of the team and the role in question. Managers can consider whether or not there is a compelling business reason to refuse the request (see para 6.7).
- 6.3 In order to give full consideration to a request, managers should meet with their employee to discuss the proposed changes, how they might work and to consider alternatives, if necessary. This meeting should be held as soon as possible after receipt of the application. However, a discussion may not always be necessary if the manager is happy to accept a request. But it may be helpful to discuss the request to ensure the proposal is the best solution for both the Council and employee.
- 6.4 An employee may have a representative of their choice to accompany them to the meeting.
- 6.5 Before the manager agrees to the request or an alternative with the employee, they must discuss and obtain agreement from the Assistant Director. If agreed the manager will inform the employee by completing the Flexible Working/Retirement Application Acceptance Form. This form must be returned to the employee as soon as possible after the meeting. A copy should also be sent to HR, so that any contractual changes can be actioned, who will notify Payroll so that any grade or salary changes can be made.
- 6.6 Before the manager refuses a request or an alternative they must discuss with the Assistant Director. If the refusal is agreed the manager must inform the employee by completing the Flexible Working/Retirement Application Refusal Form. The manager must set out the clear business reasons for the refusal and how they apply to the application. This form must be returned to the employee as soon as possible after the meeting. A copy should also be sent to HR.
- 6.7 Care must be taken by the manager to clearly identify the business reason(s) for refusing the application which can only be valid if it is one (or more) from the following list:
- Burden of additional costs;
  - Detrimental effect on ability to meet customer demand;
  - Inability to reorganise work amongst existing staff;
  - Inability to recruit additional staff;
  - Detrimental impact on quality;
  - Detrimental impact on performance;
  - Insufficient work during the periods the employee proposes to work;
  - Planned structural changes.

- 6.8 There may be instances where the manager is unsure as to whether the arrangements requested are sustainable. In these cases, it will be possible to agree to Flexible Working for a temporary or trial period rather than refusing the request. In these circumstances review dates must be discussed and arranged. Any arrangements must be put in writing using the Flexible Working/Retirement Application Acceptance Form.
- 6.9 There may be occasions when a manager receives more than one request to work flexibly. If it is not possible to grant all of the requests they should be considered in the order they are received. Having considered and approved the first request managers will be aware that the service context has changed which can be taken into account when considering subsequent requests along with the business reasons in para 6.7.
- 6.10 Managers are not required to make value judgements about the most deserving request, each case will be considered on its merits. However, a manager may discuss the situation with employees to see if there is any room for adjustment or compromise before making a decision.

## **7. THE APPEAL PROCESS**

- 7.1 If the employee disagrees with the manager's decision to refuse their application, they may appeal to their Director. If the employee making the appeal reports directly to a Director, another member of Management Board will consider it. If the Chief Executive or Director wishes to appeal it will be heard by members.
- 7.2 The appeal must be made in writing using the Flexible Working/Retirement Appeal Form and must be submitted to HR within 10 working days of receipt of the Flexible Working Application Refusal Form.
- 7.3 Upon receipt of the Appeal Form HR will arrange to:
- Provide a copy to the Director or Member Panel;
  - Provide a copy to the employee's line manager and obtain all the case paperwork from them;
  - organise an appeal hearing by the Director within 15 working days of receipt of the Appeal Form
  - organise a Member Panel, in the case of the Chief Executive/Directors, within eight weeks of the receipt of the Appeal Form.
- 7.4 However, the Director considering the appeal may decide to uphold the appeal without holding a hearing. If so, they must inform the employee and their manager within 10 working days of the receipt of the Appeal Form, in writing.
- 7.5 This letter should also be copied to HR so that an amended contract of employment can be issued.
- 7.6 If an appeal hearing is required it will be arranged at a time and place convenient to both parties. It will be attended by:

- The Director hearing the appeal ("the Appeal Hearing Officer");
  - The employee's manager who refused the request;
  - The employee;
  - A representative of the employee's choice, if required (see section 9 below).
- 7.7 Both parties will be given an opportunity to submit their views on the matter and answer questions from the Hearing Officer, if required.
- 7.8 The Hearing Officer will notify the employee and the manager, of their decision, within 10 working days of the appeal meeting. The notification will be in writing and a copy will be sent to HR. The decision will be final and the procedure will end here. There will be no right to raise a grievance under the Council's Grievance Procedure.
- 7.9 There will be no right of appeal against a refusal to agree a Flexible Retirement on the basis of cost to the Council.
- 8. EXTENSIONS TO TIME LIMITS**
- 8.1 Any Flexible Working/Retirement request must be considered and completed within 3 months of receipt of the request, including any appeal. However, cases may arise where the time limits are not practical and an extension(s) may be required. Time limits can be extended with the agreement of both parties. This will be confirmed in writing by the line manager or Hearing Officer, after having discussed the extension and the reasons for it, with the employee.
- 8.2 A copy of any letters/emails agreeing extensions will be sent to HR for filing.
- 8.3 A time limit extension will automatically apply where the manager is absent on annual leave or sick absence when the application is received. If the manager is on long term leave or sickness absence the Assistant Director/Director will decide if another manager deals with the request.
- 9. THE RIGHT TO BE ACCOMPANIED**
- 9.1 The employee has the right to be accompanied, at the initial meeting and at the appeal meeting, by a representative of their choice.
- 9.2 The representative will be able to address the meeting and confer with the employee but may not answer questions on the employee's behalf.
- 9.3 If the chosen representative is unavailable for the proposed meeting, then the employee may request that the meeting be postponed. The meeting will then be reconvened to another date convenient to management and within 5 working days of the date that was first proposed. If this cannot be achieved, the employee should consider an alternative representative who can attend the meeting.



## 10. **WITHDRAWAL OF AN APPLICATION**

10.1 There are three reasons why an application may be treated as withdrawn:

**(a) The employee decides to withdraw before the application is agreed**

In this case, the employee must confirm their withdrawal, in writing to their manager. The manager will acknowledge receipt in writing either by email or letter, sending copies of all correspondence to HR for their records. Employees who withdraw an application will not be eligible to make another for 12 months from the date their application was made.

If an employee verbally withdraws their application but fails to confirm in writing, the manager will acknowledge the withdrawal in writing either by email or letter.

**(b) The employee fails to attend two meetings**

In cases where an employee fails to attend a meeting more than once without reasonable cause, their application will be considered as withdrawn.

The manager must confirm the withdrawal in writing either by email or letter.

**(c) The employee unreasonably refuses to provide the required information**

Again, the manager must confirm the withdrawal in writing either by email or letter.

## 11. **REQUESTS FOR CHANGES FOR A SHORT TERM PERIOD**

11.1 Employees requesting an informal change for a short period to their working hours or conditions, i.e. to cope with a bereavement or short term caring responsibilities should be discussed and agreed outside this Policy. However, the principles of the Policy and Guidance should be applied.

## 12. **REVIEW**

12.1 A review of this Policy will take place in December 2016.

## 13. **FURTHER GUIDANCE**

13.1 Further guidance on the operation, interpretation and application of the Framework is available from HR.

13.2 Where relevant, each of the Policies has its own HR and Manager Toolkit which provides additional guidance, template letters and aids. The Toolkits can be found on the intranet.

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DRAFT

# FLEXI-SCHEME

**October 2015**



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## 1. Introduction

- 1.1 The aim of the Scheme is to provide flexibility in working arrangements for both managers and employees. The Scheme enables managers and employees to manage workload peaks and troughs. Hours worked in addition to an employee's core hours must be agreed by the manager to ensure that service demand is being met and there is work to be completed. The Scheme is not to be used by employees to build up hours just for the purpose of flexi leave; there must be a service requirement. This includes agreement on start and finish times.
- 1.2 Additional hours will be worked in accordance with service requirements and at the discretion of the manager.
- 1.3 Assistant Directors/Line Managers have the discretion to decide whether the Flexi Scheme would apply to a role taking account of service requirements. They and line managers will have discretion on how some elements of the scheme will apply depending on service requirements. Therefore different arrangements may be in place across the Council from time to time.
- 1.4 All employees, regardless of whether they are on the scheme or not, must use the electronic Time Recording Sheet, however, if they do not have access to a computer a paper form will be satisfactory. All flexi-leave must be in agreement with managers and must be shown on the time recording sheet.
- 1.5 Employees who work 'flexibly' may still participate in the Flexi Scheme and will be subject to all its requirements. However, their arrangements may mean the Scheme is not appropriate; in any event a discussion will take place between the manager and employee to agree any working arrangements.
- 1.6 The provision of cover is a joint responsibility of both management and employees. The workplace must be staffed throughout normal working hours (including lunch time) in order to maintain service cover.

## 2. Scope

- 2.1 This Policy covers all employees except Craft Workers, Grounds Maintenance Operatives, those who are employed to cover specific time periods and those who work on a shift/rota system basis. Other staff may also opt out of the Scheme in agreement with their line manager and an alternative recording/ working arrangement put in place. Part-time employees, including job sharers can be included in the scheme, subject to the needs of the service.
- 2.2 Where a service to the public is offered it must be accepted that the provision of cover is a joint responsibility between staff and management. With this in mind, employees participating in the scheme may have certain restrictions imposed on the operation of flexible working in order to facilitate the delivery of service. The manager will make the decision on how the scheme will be applied.

### **3. Application of the Flexi-scheme**

#### **3.1 The Working Day**

3.1.1 Core hours are the time periods when all employees must be at work. For full time staff the core hours are 5 hours to be worked in agreement with the line manager, see paragraph 3.2.1.

3.1.2 For part time workers the number of core hours will be determined by their line managers which will be dependent on the number of hours worked, the requirements of the team and service.

#### **3.2 Length of Day**

3.2.1 Attendance at work may be from 7.30am to 7pm Monday to Sunday. Attendance may depend on access to the workplace being possible and if the manager has agreed there is work to be done. The line manager has the discretion to determine the normal, permanent start/finish times for employees on the grounds of service delivery and taking into account the requirements of the team.

3.2.2 Employees cannot start work earlier than their normal working time unless agreed by their line manager who will base their decision on the circumstances of the request, availability of work to be done and service delivery requirements.

3.2.3 Employees cannot leave the workplace before their normal finish time without the permission of their line manager.

3.2.4 Refer to section 13 for information regarding attending evening meetings.

#### **3.3 Lunches**

3.3.1 A maximum of two hours, in between the hours of 11.30am to 2.30pm, may be taken for lunch and a minimum of half an hour must be taken. If employees are taking a long lunch break (i.e. between 1 to 2 hours), they are required to agree this with their Manager in advance. Meal breaks are unpaid and a break of an half an hour must be taken after a period of 6 hours of continuous working.

3.3.2 The workplace must be staffed throughout lunch time, to a level prescribed by the manager, in order to maintain service cover.

#### **3.4 Smoking/Other Breaks**

3.4.1 Employees taking smoking or other breaks during work time will record the time taken on the time recording sheet, using the deduction column, and they will be required to make up any time taken.

#### **3.5 Working Times**

3.5.1 It is a condition of the scheme that employees will establish a normal pattern of working within their team and with the agreement of their direct line

manager. In doing this, wherever possible, the manager will take into account individual personal circumstances, subject to effective delivery of the service.

- 3.5.2 Variations to the established working pattern, including working additional hours, must be agreed with the manager, who will take account of the requirements of the service and team. However, employee emergencies and unforeseen occurrences will be dealt with sympathetically and flexibly.

### 3.6 **Internal Transfers**

- 3.6.1 Where employees are transferring across Directorates and Services, they should try to use up all their flexi-leave before transferring and not be in deficit or credit. In other words they should start with a zero balance, unless there are compelling operational reasons to the contrary.

## 4. **Accounting Period**

- 4.1 The main accounting period for flexible working is four weeks starting always on a Monday. Employees do not have to start the accounting period on the same Monday, the accounting period can be staggered across the team.

- 4.2 The standard hours for full time employees to be worked over a period is 144 hours. (i.e. 36 hours x 4 weeks=144). For part-time staff the same formula is applied i.e. number of hours the individual is contracted to work, multiplied by 4. This is known as the employee's core time. Any hours in excess of, or less than this, may be carried over to the next period as credit or deficit subject to the Policy.

### 5. **Credit** (where the number of hours worked exceeds the target hours)

- 5.1 Credit can be built up when time in excess of 'core time' has been worked. Credit cannot be built up by working additional hours unless this has been agreed in advance with the line manager.
- 5.2 The maximum number of hours, which may be carried over from one period to the next is 10 for full time employees and pro rata for part time employees. Any hours above 10 will be lost except in cases of employees working annualised hours or where prior permission is given. (See 5.3 below).
- 5.3 Approval to carry forward credits in excess of the maximum number of hours (pro rata) will be permitted only in exceptional circumstances and, even then, only if specifically approved in advance by the relevant Assistant Director.
- 5.4 Excess credits for reasons of 'general workload' will not be agreed, it will be at the discretion of the Assistant Director on how many months the additional hours can be carried forward and authorised.

### 6. **Deficits** (where the number of hours worked is less than the target hours)

- 6.1 The maximum number of hours that employees can carry over to the next accounting period is minus four hours and pro rata for part-time employees. This deficit must be cleared within the next accounting period except where prior permission is given.

- 6.2 Approval to carry forward debits in excess of the maximum number of hours (pro rata) will be permitted only in exceptional circumstances and, even then, only if specifically approved in advance by the relevant Assistant Director.
- 6.3 Leavers must not be in deficit at their time of leaving. If there is a deficit, their salary will be adjusted accordingly or an invoice for the outstanding debt will be sent.
- 6.4 In any event, unless there are exceptional reasons, the Assistant Director should not authorise an excess of hours or debit for more than 2 consecutive accounting periods, except where the employee is working annualised hours or arrangements are subject to para 12 of this Policy.
7. **Taking Flexi-Leave**
- 7.1 Flexi-leave must be taken in accordance with the needs of the service and by prior agreement with the manager. A maximum of four half days flexi leave is allowed in any one period (pro rata for part time staff).
8. **Minimum Flexi-Leave Allowed**
- 8.1 It is recognised that there will be times where it is necessary to leave work for less than half a day, for example for dental appointments, or to attend to family emergencies. For such reasons, a minimum of one hour's flexi-leave may be granted and this could be within core hours. Employees are required to agree this in advance with their manager.
9. **Taking Leave Without the Necessary Credits**
- 9.1 A total of four hours flexi-leave may be requested in an accounting period, even if the necessary credit has not been built up, pro rata for part-time employees. However, this must be cleared within the next accounting period.
10. **Absence from Work**
- 10.1 Employees will only receive credits for authorised reasons such as sickness, annual leave, authorised college attendance, special leave, compassionate leave, public duties etc. Credits will also be given for hospital appointment attendance where employees are unable to arrange the appointment outside of working hours, for example for appointments with Specialists or Consultants.
- 10.2 Credits will not be granted for attending doctors, dentists, opticians etc., leave must be used instead (either flexi or annual leave). If flexi-leave is used, the provisions of paragraphs 7 and 8 apply.
- 10.3 Employees undertaking a day or half day external training should only book 7hrs 12mins or 3hrs 36mins respectively, regardless of travelling time.
- 10.4 Credits must not be used in lieu of employees taking sickness absence.



## 11. **Additional Hours**

- 11.1 Where additional hours are worked, by mutual agreement, beyond a normal working day, it may be treated as paid overtime as per the Collective Agreement and recorded on the normal overtime claim forms. Where the hours are not to be paid they will be recorded as part of the flexitime system, and subject to the requirements of the Flexi Scheme. All flexi time will be at plain time.

## 12. **Realignment of the Flexi-Scheme**

- 12.1 If managers anticipate a period of peak workload with tight timescales that will preclude staff taking accrued flexitime, they may make a request to the Director that the flexitime scheme be suspended for a specific team(s) for a specified period of no more than 4 months. This will allow a relaxation of the maximum carry forward credit, and will avoid operational difficulties during the peak period. This will only occur in exceptional circumstances, and will require the Director's agreement in advance of the proposed period of suspension. Management Board agreement will be necessary if the period of suspension is required to extend beyond 4 months.
- 12.2 This will include seasonal or annual peaks in work, such as the closure of accounts in Finance and the seasonal service provision in Country Care. In such recurring circumstances, agreement will stay in place for subsequent years, unless there is a further change required in either the period of suspension or the group of staff affected.
- 12.3 Managers are to take care to ensure that excessive hours are not worked by employees, as per the Working Time Regulations. For further guidance on the Regulations, please consult HR.

## 13. **Evening Attendances**

- 13.1 Evening attendance at Council, Cabinet, Committee, Working Groups, Town and Parish Council meetings etc will be paid at the appropriate attendance allowance. Staff cannot claim flexi-time and evening attendance allowance for the same meeting/event. For example, where an evening meeting/event starts at 6.30pm and finishes after 7pm the employee should only claim evening attendance allowance from 6.30pm.

## 14. **Recording**

- 14.1 Employees must use the electronic timesheet unless the nature of their work means that they do not have computer access. For these employees recording their time on paper forms is satisfactory. Both forms of recording must be monitored, checked and signed by the line manager at least on a monthly basis. (see para 1.4)
- 14.2 Each employee on the Scheme is responsible for filling in their own times and for paper records signing that it is a true record. It is not acceptable to enter information on someone else's behalf. The times should be entered as they are worked, or as soon as possible after they are worked. For example, if a member of staff goes straight home after a site visit, the sheet would need to be completed as soon as they are back in the office.

14.3 Employees working 'flexibly' and on the Scheme must also use the electronic time recording sheet.

14.4 Assistant Directors/Line Managers will make periodic checks of staff to ensure that actual times worked match times recorded by staff.

**15. Abuse of the Flexi-Scheme**

15.1 The Scheme requires the complete honesty of staff and the trust of managers.

15.2 Where the flexi-scheme is abused, or where records are not properly kept, an investigation will take place and the individual may be subject to the Council's disciplinary procedures. Where the records have been falsified, this would be deemed as gross misconduct and could lead to dismissal under the Disciplinary procedure. The Council has the right to remove an employee from the flexi-scheme where it has been abused by them.

**16. Review**

16.1 A review of this Policy will take place in December 2016.

## ***Report to the Cabinet***

***Report reference: C-085-2015/16***

***Date of meeting: 7 April 2016***



**Committee: Neighbourhoods and Community Services Select Committee**

**Subject: Establishment of a Development Trust**

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

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

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### **Recommendations/Decisions Required:**

**(1) That the recommendation from the Neighbourhoods and Community Services Select Committee for the Council to establish a Development Trust for Epping Forest and Lowewood Museums, to operate in parallel with the management of the Museum, Heritage and Culture Service be agreed; and**

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

### **Executive Summary:**

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

At its meeting on 3 March 2016, Cabinet agreed for our Committee to consider the findings of the study and the potential for establishment of a Development Trust for the Museum, Heritage and Cultural Services section of the Council. This report therefore provides the information discussed at our meeting on 15 March 2016 and seeks Cabinet agreement to proceed with work to establish a trust as a Company, Limited by Guarantee and Registered Charity.

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

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

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

The only other option would be for the Council to remain with the status quo and to continue to seek external funding from current organisations. However, we felt that this would significantly limit the opportunities for development of the museums, due to the highly competitive funding environment.

## **Report:**

### Background

1. We were advised that in April 2015, officers were successful in securing £55,000 funding from Arts Council England (ACE) as part of its' Resilience Programme, to undertake two feasibility studies. The aim of the studies was to investigate opportunities for supporting resilience of the Museum, Heritage and Culture (MHC) service over the long-term and during economic austerity.
2. Two Consultancies were appointed to undertake the required work; the Management Centre and Barker Langham, both of which had a high level of experience in the cultural sector and significant expertise in the areas to be considered.
3. The Management Centre was appointed to undertake a fundraising study including the establishment of Development Trust, and were given the brief to investigate a stand - alone 'entity' that would be able to access funding opportunities that the Council would be prohibited from. Additional legal advice was provided by Winckworth Sherwood Legal Consultants in relation to the establishment of the proposed Trust entity.
4. Barker Langham were awarded the contract to investigate business and income generating opportunities, across both the Council's own MHC service and Lowewood Museum, which is managed on behalf of Broxbourne Borough Council under a Service Level Agreement.

### Potential Structure for the Development Trust

5. As part of the fundraising study the Management Centre undertook comparator interviews with three museum services that have been through a similar transition; Hampshire Cultural Trust, Norfolk Museums Service and Maidstone Museum Foundation. These interviews indicated the positive benefits of setting up a separate charitable entity, which included ability to access a range of funding possibilities that were not previously available to them, opportunity to secure additional grants and donations and the ability to claim Gift Aid on qualifying ticket sales.
6. All of the comparators were structured as a Company Limited by Guarantee and Registered Charity and although two of them had considered other options, including that of Community Interest Company, this was felt to be the tried, tested and trusted route. None of the comparators had found this structure a barrier to anything they would like to do.
7. We therefore agree with the recommendation from the Fundraising Strategy, which is to use the structure of a Company Limited by Guarantee and Registered Charity as the best option for the Council.

### Board and Governance of the Trust

8. We are aware that one of the key things to come out of the comparator interviews was the important role of the Board and the positive benefits that an effective Board can bring beyond being a legal necessity. We therefore agree that the Council should focus on a skills-based approach to the board, rather than focussing solely on people's connections or access to funders.
9. As there are minimum legal requirements for the Board, it will be up to the Council to decide the extent of active engagement in fundraising and supporting the museums that the

board has, and this could be as limited as a mechanism for receiving donations. However, we are in agreement that that the Council would gain most benefit from a Board that is independent and actively engaged. Such a Board adds fundraising capacity, in terms of networks and skills as well as time, to that of staff. A demonstrably independent Board will also reassure donors and funders that they are not simply giving to the Local Authority in a different guise.

10. We also noted that there needs to be a close relationship between the charity and the Museum Service, and that the Board will need to have a good understanding of the museum, its work and the priorities and constraints of the staff. This is to ensure alignment, so that the charity is supporting the museum in its priorities, rather than expecting the museum to deliver on the charity's priorities.

11. We agreed that a skills-based Board was essential and suggested the key skills and experience needed is as follows;

- Accounting
- Legal
- Business Management
- Income Generation
- Communications, Marketing and PR
- Knowledge of the heritage/tourism sector

In addition, it has been recommended that we include two Elected Members on an ex-officio basis, as this is important for ensuring good links and alignment between Council, Museum and Charity.

12. There are a range of methods of recruiting Board members, including open applications and targeted invitations to express interest and we suggest that the Council should incorporate open invitation into the Board recruitment, due to a number of benefits, including;

- Ability to reach candidates that we do not already know and have links to;
- In order to demonstrate the openness and independence of the charity;
- To build a sense of the charity as a way forward for the local community to support and get involved with the museums;
- To begin to build profile and recognition for the charity in the local community.

This approach will need to be supplemented by identification of individuals that would make good Board members and proactively approach them. Best practice would then be for Board members to be appointed with a specified term of service, so that they know they are only volunteering for a specified period of time; it provides a mechanism for Board members to be replaced if they are not actively engaged and it avoids the Board becoming a closed clique and ensures a regular input of new skills and perspectives.

13. The role of Chair will obviously be key to the functioning of the Board and recruitment for the chair can run in parallel to the process for other Board members. We suggest that the first Chair of the Board could be an Elected Member to ensure this position is filled early on in the recruitment process.

14. Going forward, the Board, Elected Members and Senior Management will have an important role to play in fundraising and are vital for sharing the mission and vision of both Epping Forest and Lowewood Museum. They will also need to engage with potential donors on a peer to peer basis, giving credibility to any fundraising. In addition, fundraising needs to be the responsibility of all staff, including front of house and volunteers, as they often have the most engagement with visitors.

## Administration and Internal Structure

15. We are aware that the Trust will need to be supported with practical administration, and will need separate banking arrangements to the Council in order for accounts to be prepared and returns made to Companies House and the Charity Commission. It is possible for this role to be organised through the Council and it can provide the conduit between the Museums, the Council and the Board.

## Way Forward

16. As Cabinet is aware, the Council potentially has an opportunity to pump prime the establishment of the Trust, through funding from the Arts Council England (ACE) Resilience Fund, which has recently opened a second round of funding to support Museums and the Arts. Our officers have already submitted an Expression of Interest (EOI) ACE, which includes funding for the appointment of a Fundraising Manager (18 x month post) and part time administrator. If successful with the EOI, we will be invited to submit a fully developed application, which needs to be in by 5 May 2016.

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

18. We are in agreement that if the application to the Resilience Fund is unsuccessful, that the proposal to establish a Development Trust for the Museum, Heritage and Culture Service should still be progressed through an alternative method, to be agreed.

### **Resource Implications:**

It is anticipated that the amount of funding that can be raised through the Development Trust will be of significant support to the future sustainability of the Museums Service

### **Legal and Governance Implications:**

The Council will be the lead party within the Resilience Fund proposal and will direct the work related to the establishment of a Development Trust for Epping Forest and Broxbourne Councils. It is also planned to introduce a new Service Level Agreement for Management of Lowewood Museum, which will span 25 years. This has been agreed in principle by Broxbourne and the establishment of the Trust will be subject to this being formalised.

In regard to the involvement of Chelmsford City Council within the Resilience Fund proposal, if successful with the bid, an agreement will be drawn up to set out the various roles of each party.

### **Safer, Cleaner Greener Implications:**

Not Applicable.

### **Consultation Undertaken:**

A wide range of consultation has been undertaken as part of the two Feasibility Studies and latterly, with The Chief Executive and Chief Finance Officer of Broxbourne Borough Council and Director of Community Services from Chelmsford City Council.

**Background Papers:**

Fundraising Strategy and Action Plan – Management Centre  
Development Trust Legal Report: Winckworth Sherwood

**Risk Management:**

Risk Management will be undertaken as part of the development of the second round bid, if the Council is invited to apply for Resilience Funding

# 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.

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The establishment of a Development Trust for the Council's Museum, Heritage and Culture Services would enable the support for a range of new projects and initiatives targeted at improving equality and diversity. Therefore, this report would have a significant and positive impact on different groups of people.