



**CABINET**  
**Thursday, 9th March, 2017**

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

**Council Chamber, Civic Offices, High Street, Epping**  
**on Thursday, 9th March, 2017**  
**at 7.00 pm .**

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

**Democratic Services**  
**Officer**

Gary Woodhall  
(Governance Directorate)  
Tel: (01992) 564470  
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Members:

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

**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**

(Director of Governance) To confirm the minutes of the last meeting of the Cabinet held on 2 February 2017 (previously circulated).

**5. REPORTS OF PORTFOLIO HOLDERS**

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

**6. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

(Director of Governance) To receive any questions submitted by members of the public and any requests to address the Cabinet.

**(a) Public Questions**

To answer questions asked by members of the public after notice in accordance with the provisions contained within Part 4 of the Constitution (Council Rules, rule Q3 refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

**(b) Requests to Address the Cabinet**

Any member of the public or a representative of another organisation may address the Cabinet on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at the meeting, in accordance with the provisions contained within Article 7 of the Constitution (The Executive, paragraphs 27 & 28 refers).

**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. EPPING FOREST DISTRICT DRAFT LOCAL PLAN REGULATION 18 CONSULTATION (Pages 5 - 70)**

(Planning Policy Portfolio Holder) To consider the attached report (C-068-2016/17).

**9. REVIEW OF THE COUNCIL'S ACCOMMODATION (Pages 71 - 92)**

(Leader of Council) To consider the attached report (C-067-2016/17).

**10. OFF STREET CAR PARKING ENFORCEMENT POLICY (Pages 93 - 146)**

(Safer, Greener & Transport Portfolio Holder) To consider the attached report (C-063-2016/17).

**11. COVENANTS & APPROPRIATIONS - HILLHOUSE, WALTHAM ABBEY (Pages 147 - 164)**

(Housing Portfolio Holder) To consider the attached report (C-064-2016/17).

**12. TRANSFORMATION PROGRAMME MONITORING REPORT - JANUARY 2017 (Pages 165 - 172)**

(Leader of Council) To consider the attached report (C-065-2016/17).

**13. PILOT SCHEME FOR THE PROVISION OF MODULAR TEMPORARY ACCOMMODATION FOR SINGLE, VULNERABLE HOMELESS PEOPLE - NORWAY HOUSE, NORTH WEALD (Pages 173 - 196)**

(Housing Portfolio Holder) To consider the attached report (C-066-2016/17).

**14. CORPORATE PLAN KEY ACTION PLAN 2016/17 - QUARTER 3 PROGRESS (Pages 197 - 222)**

(Leader of Council) To consider the attached report (C-062-2016/17).

**15. PLANNING APPLICATION FEES (Pages 223 - 234)**

(Governance & Development Management Portfolio Holder) To consider the attached report (C-069-2016/17).

**16. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972 requires 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.

**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):

| <b>Agenda Item No</b> | <b>Subject</b> | <b>Exempt Information Paragraph Number</b> |
|-----------------------|----------------|--|
| Nil                   | Nil            | 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.

#### Background Papers

Article 17 of the Constitution (Access to Information) 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

## **Report to the Cabinet**

**Report reference:** C-068-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Planning Policy

**Subject:** Epping Forest District Draft Local Plan Regulation 18  
Consultation

**Responsible Officer:** Alison Blom-Cooper (01992 564066).

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

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

- (1) That the initial findings of the Draft Local Plan Regulation 18 consultation be noted;
- (2) That the progression of the Draft Local Plan to Pre-Submission publication under Regulation 19 of the Local Plan Regulations 2012 be agreed; and
- (3) That the updated Local Development Scheme included within this reported be agreed and published on the Council's website.

### **Executive Summary:**

This report seeks:

(a) To update members of the progress of the Draft Local Plan by providing high level findings from the Regulation 18 consultation that took place between the 31 October 2016 and 12 December 2016. The Council has received a large number of representations from a wide range of stakeholders. The findings from the questionnaire responses are set out in Appendix A which is the Feedback Interim Report from Remarkable. It should be noted that this is an initial indication of the responses, based on the results of the multiple choice questions and online and hard-copy questionnaires only. It is therefore representative of around half of the respondents to the consultation. Initial analysis of the responses from statutory consultees, Parish and Town Councils has also been undertaken. Many of these are supportive of the overall vision and objectives of the Plan, the provision for additional affordable housing and the scale of growth being proposed. The main concerns and issues identified so far through consultation analysis of these responses include:

- Concern that the infrastructure requirements for the development proposed is not met particularly with respect to the capacity of the Central Line, education provision and health provision;
- The proposed distribution of growth across the District;
- Concern over the potential loss of managed open space and leisure facilities;
- Impact on the roads/traffic congestion;
- Loss of local identity and character and potential for coalescence; and
- Proposed alterations to the Green Belt boundary.

More detailed analysis of all responses received, including consideration of findings on an area basis, is still to be undertaken and will form the basis of a further report.

(b) Agreement to an updated Local Development Scheme (LDS), the high level project plan for the preparation of the Epping Forest District Local Plan. The proposed new scheme would supersede the earlier Local Development Scheme agreed in July 2016, with the preparation of the single District wide Local Plan scheduled for submission to the Secretary of State for examination in May 2018.

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

To provide members with feedback from the recent Draft Local Plan consultation and advise them of the next steps in plan preparation. The Council is obliged under the Localism Act 2011 to prepare and publish a Local Development Scheme so that the public and stakeholders are aware of the likely timing of key stages of the plan making process.

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

Not to advise members of the key issues from the recent Draft Local Plan consultation and implications for the next stages of plan preparation. To not agree, or to vary the Local Development Scheme.

#### **Report:**

1. In accordance with the agreed Local Development Scheme, the Cabinet considered the Draft Local Plan on 6 October 2016 and subsequently Full Council agreed the Draft Local Plan for consultation on 18 October 2016. The formal 6 week consultation started on 31 October 2016 and ended on 12 December 2016. Full Council also agreed on 18 October 2016 that the Draft Local Plan policies should be treated as a material planning consideration when determining planning applications. The Planning Policy Team has produced a guidance note to officers in Development Management to ensure consistency of approach – this note is available on the Council's website.

2. Consultation on the Draft Local Plan was carried out in compliance with the Council's agreed Statement of Community Involvement and as agreed by Cabinet on 1 September 2016. The consultation strategy for the Draft Local Plan used the following approaches:

(a) A dedicated website was set up and used for background evidence, provision of updates, social media feeds and for the submission of consultation questionnaires. This was clearer and easier to navigate. An increased effort was made to promote the consultation via Social media: @eppingforestdc and [www.facebook.com/eppingforestdc](http://www.facebook.com/eppingforestdc) and #EFDCLocalPlan. Where appropriate officers used social media to address any major misconceptions or issues associated with the Draft Local Plan, as well as using these routes as a way of keeping stakeholders up to date. The Council sent out over 400 tweets and posts on social media during the build up to and consultation itself, equating to approximately three tweets and three posts per day.

(b) Media briefings were undertaken in September and October 2016 to promote the Draft Local Plan and consultation with the launch of the website and the promotion of the video. The Council's twitter and facebook handle were used with a series of infographics and clips from the video used as promotional tools as well as direct engagement and tweets completed by the Council's communications team.

(c) An information leaflet was distributed to all addresses within the District outlining an update on the Local Plan process and information on how to get involved in the consultation. This was distributed during the week beginning 24 October 2016 and delivery was tracked. Where issues were raised with the distribution steps were taken to ensure further leaflets were distributed.

(d) Commuter postcards were handed out at all the train and tube stations in or adjacent to the District during the week commencing 31 October 2016.

(e) Email mailings were issued to all email addresses provided to the Council during previous stages of consultation on the Local Plan containing similar information to the information leaflet.

(f) Static information points for the duration of the consultation period were in place at 11 locations in the District and one at the Latton Bush Centre in Harlow. Copies of the Draft Local Plan and hard copies of the questionnaire were made available at these locations.

(g) Staffed exhibitions were held at 6 venues in the district. These were well attended:

- North Weald Bassett (5 November 2016): approx. 259 persons
- Loughton (7 November 2016): approx. 207 persons
- Chigwell (8 November 2016): approx. 107 persons
- Chipping Ongar (9 November 2016): approx. 258 persons
- Epping (11 November 2016): approx. 277 persons
- Waltham Abbey (14 November 2016): approx. 125 persons

(h) Member Briefing Packs were provided to all District members.

(i) The Planning Policy Team provided an opportunity for one to one discussions on 22 November 2016 for all the Town/Parish Councils and on request residents' groups/amenity societies to discuss the Draft Local Plan to help them in making comments on the Draft Local Plan.

(j) The Portfolio holder met with the Youth Council on 15 November 2016.

(k) Two briefing meetings were held on 9 September for land owners/site promoters who had submitted sites for consideration through the call for sites to explain the site selection methodology and subsequently meetings were offered to those whose sites had not been included as proposed allocations in the Local Plan. These meetings were held on 18 and 21 November 2016 for approximately 50 unallocated sites. Attendees were provided with a site pro forma which explained how their site had been considered through the site selection process, what stage it reached and the reasons why it was not a preferred site in order to help them make appropriate representations as part of the Local Plan consultation.

(l) Meetings took place on 2 December 2016 for the sites proposed for allocation around Harlow and separately for the other sites within the District. A Developer Forum has been established alongside the progression of the Draft Local Plan to provide a basis for ongoing discussions with relevant landowners, site promoters and stakeholders. It is important that the Council liaises closely on an ongoing basis with relevant landowners and promoters of the sites proposed for allocation within the Draft Local Plan, and with other stakeholders as required in order to:

(i) Demonstrate that the Local Plan is 'effective' and that the allocations in the Local Plan will be viable and deliverable, and therefore meet the 'tests of soundness' at Examination-in-Public; and

(ii) Ensure that a joined up and 'frontloaded' approach is taken to the planning and delivery of the development of sites proposed for allocation and associated infrastructure, including promoting joint working for sites in multiple ownership, or adjacent allocations.

3. Draft terms of reference for the Developer Forum have been discussed and will be further considered at the next sessions scheduled for 24 February 2017. A corporate group (a subgroup of the Local Plan Officer Working Group) has been set up including officers from Planning Policy, Housing, Development Management, Environmental Health and Essex County Council to respond to planning proposals brought forward ahead of the adoption of the Local Plan in order to ensure a joint and coordinated approach.

#### Response Overview

4. The Council has received approximately 3,300 individual responses to the consultation on the Draft Local Plan. Responses have been received in a variety of formats. Approximately half of responses were received via the online questionnaire, approximately 200 via hard copy questionnaire, and the remainder a mixture of letters and emails. A summary report produced by Remarkable of the key findings arising from questionnaire responses to the 'tick-box' questions included is attached as Appendix A. Further work is currently being undertaken to fully analyse all of the responses received, including the 'verbatim' responses received either as part of the questionnaire, or as a standalone report, letter or email. A further detailed report will be provided to Cabinet following the conclusion of the analysis of all responses received. The Council will also be making all responses available for public inspection as soon as possible following the completion of the analysis. Further details in relation to arrangements for inspecting consultation responses will be made available in due course.

5. Appendix A outlines the key points that can be taken so far from the consultation feedback. The report includes a breakdown of the type and location of respondent, form of response and total numbers of all respondents over the consultation period. It includes a summary of the initial findings in relation to the key issues raised in the multiple choice questions, and a list of the top ten recurring comments. It should be noted that this is an initial indication of the responses, based on the results of the multiple choice questions and online and hard-copy questionnaires only (1,827 responses). It is therefore representative of around half of the respondents to the consultation. Remaining responses submitted to the Council by email or letter will be represented in the Consultation Statement and detailed report to Cabinet once further detailed analysis has been conducted.

6. The following section of the report provides a summary of the key issues and themes emerging from the detailed analysis of responses undertaken to date.

#### Emerging Key Findings

7. The Council has received a large number of representations from a wide range of stakeholders. Many of these are supportive of the overall vision and objectives of the Plan, the provision of additional affordable housing and the scale of growth being proposed. The main issues raised include:

- The ability of infrastructure to cope with the development proposed,

particularly in relation to the capacity of the Central Line, education provision and health provision;

- The distribution of planned growth across the District;
- The proposed alterations to the Green Belt boundary;
- Concern over potential loss of managed open space;
- Concern over potential loss of leisure facilities;
- Concern about impact on the roads/traffic congestion; and
- Concern in relation to loss of local identity and character, and potential for coalescence.

#### Statutory Consultees, Parish/Town Councils and Other Organisations

8. The Council has received over 100 representations from statutory consultees, Parish/Town Councils, and other organisations, providing a range of feedback to inform the finalisation of the Local Plan.

#### Parish and Town Councils

9. Seventeen written responses have been received from Parish and Town Councils. This includes responses from: Epping Town Council; Chigwell Parish Council; North Weald Bassett Parish Council; Loughton Town Council; Ongar Town Council; Theydon Mount Parish Council; Fyfield Parish Council; Waltham Abbey Town Council; and Theydon Bois Parish Council. Epping Town Council and North Weald Bassett Council also submitted a joint response. Many of the responses have shown support for the overall Vision and Objectives of the Draft Plan, but have highlighted concerns in relation to the scale of proposed growth, and in some cases the location of proposed growth and the size of the allocated sites. A summary of the points raised in the responses from Town and Parish Councils is provided as Appendix B.

10. Concerns raised by many of the Parish and Town Councils relate to the ability of local infrastructure to cope with the scale of planned growth. This includes concerns about the existing and future capacity of the Central Line, the ability of the road network to absorb additional traffic, future provision of school places and future provision of healthcare. Concerns have also been raised in relation to the scale of difference between the proposed allocations in the Draft Local Plan and those included in the Issues and Options consultation in 2012. Support was generally received for the protection of local retail provision, and for the approach towards the visitor economy.

11. Several Parish and Town Councils have objected to particular sites being proposed for allocation within their areas, and concerns have been raised in relation to the proposed loss of managed open space, and the potential erosion of the character of individual settlements. Objections have also been raised in relation to the loss of Green Belt land being proposed by the Draft Local Plan. A preference for the allocation of smaller sites to those proposed is cited by some Parish and Town Councils, and some responses query whether the distribution of planned housing growth has been distributed proportionally across the District.

12. Responses received from Loughton Town Council, Theydon Bois Parish Council and North Weald Bassett Parish Council objected to the proposed policies and allocations set out Chapter 5 of the Draft Local Plan in relation to their places. Loughton Town Council raised issues around the loss of green spaces and the approach to urban intensification, and the provision of infrastructure. Theydon Bois Parish Council raised issues around the loss of Green Belt land and objected to the justification of the changes made to the Green Belt boundary in relation to the site allocations at Theydon Bois. North Weald Bassett Council

raised concerns in relation to the distribution of growth in the spatial strategy for the District, the focus on North Weald Bassett consistently across the spatial options for the District and proposed housing densities.

### National Bodies

13. The Council has received responses from 18 National Bodies. Of the responses reviewed at the time of writing this report, some have raised concerns on aspects of the Draft Local Plan including those from Sport England, CPRE, the London Green Belt Council and the Home Builders Federation. The remainder of the responses that have been reviewed are generally supportive in relation to the Draft Local Plan and have provided suggestions to aid the development of the Pre-Submission Plan. Further analysis of these responses will be conducted in due course. Set out below is a synopsis of some of the key statutory consultee responses. A summary of the responses is included in the summary in Appendix B.

14. **Natural England's** response is in general agreement with the policies and allocations set out in the Draft Local Plan, noting the Council's protection of the Epping Forest Special Area of Conservation and the Lee Valley Regional Park. Natural England has asked that the Draft Memorandum of Understanding agreed by the Cooperation for Sustainable Development Board would need to be complete before the Plan could be found fully sound. They have also suggested some policy wording changes and encouraged EFDC to consult with them in the development of the Sustainability Appraisal. They have advised that more detail is needed on the impact of allocations on Sites of Special Scientific Interest and in particular the Latton Priory strategic site. Since the end of the consultation period officers have met with Natural England. In addition to the comments made in response to the Draft Local Plan Natural England have stated that they require additional information on the impact of proposed growth in the District on recreational pressure in the Forest.

15. **Historic England's** response is in general agreement with the policies and allocations set out in the Draft Local Plan. They have suggested that a strategic policy on the historic environment should be included in the Pre-Submission Local Plan, and advised against the inclusion of a policy on enabling development. Site-specific notes were also included and raised the potential impact on heritage assets in relation to the four strategic sites around Harlow. It should be noted that all of these heritage assets lie outside of the site boundaries of these sites.

16. **Highways England** response is in general agreement with the policies and allocations set out in the Draft Local Plan, stating particular support for the focus on public transport improvements and sustainability of transport systems in the Draft Plan. In relation to the strategic sites, Highways England identified that Latton Priory may impact upon the M11 Junction 7 and would require a Transport Assessment detailing mitigation measures. East of Harlow is also identified as having a potential impact on M11 Junction 7, but Highways England acknowledge the planned upgrades to the M11 including a new Junction 7a and improvements to Junction 7. North Weald Bassett is also stated to require developers to provide a Transport Assessment with respect to the potential impact on M11 Junction 7. The proposed allocations in Chigwell and Loughton are identified as potentially impacting on M11 Junction 5, and Highways England request that developers should be asked provide Transport Assessments to address mitigation measures. Proposed allocations in Waltham Abbey similarly are identified as potentially impacting on M25 Junctions 25 and 26.

17. **The Campaign for Rural England Essex and London Green Belt Council** responses raise a general objection to the draft policies and proposed allocations in the Draft Local Plan. The organisations consider that the Draft Local Plan is inconsistent with the National Planning Policy Framework, and in particular that the use of housing need to justify the altering of Green Belt boundaries goes against national policy and statements made by

Government. Objections were also raised in relation to the proposed use of the District Open Land designation and the lack of information on infrastructure.

18. **The Environment Agency** response outlines a number of priorities that should be addressed in relation to the Draft Local Plan and gives site-specific feedback and policy wording suggestions. Of most importance, the Environment Agency consider that the Council will need to demonstrate sufficient capacity of the sewage network to support the proposed allocations and suggest that there should be a Water Cycle Study or alternatively the provision of confirmation from the sewage provider about capacity. This is important so that if any adverse impacts are identified work can be undertaken to confirm mitigation measures in line with the Water Directive Framework. The Environment Agency also identified the need for a Level 2 Strategic Flood Risk Assessment if the Council continue their current allocation of sites partially within Flood Zones 2, 3a and 3b. The East of Harlow strategic allocation is particularly highlighted in this regard. Officers intend to meet with the Environment Agency to discuss this matter as all the proposed development in the Draft Local Plan is located within Flood Zone 1.

19. **Transport for London** submitted two responses, one from Planning and one from Property. Planning's response is in general agreement with the policies and allocations set out in the Draft Local Plan, in particular the vision for the London Stansted Cambridge Corridor Core Area and the commitment to protect land for transport schemes. Transport for London state that they do not believe that Central Line capacity should act as a deterrent to planned growth in the Draft Local Plan. There are some station capacity improvements for which it will be important to ensure that there are contributions sought from developers. On parking, TfL has requested that all applications affecting car parking capacity in the vicinity of the Central Line will need to consult with them and that they support a restraint based approach to car parking in the London Plan. TfL Property's response was in general agreement with the draft policies and proposed allocations set out in the Draft Local Plan. Officers have recently met with Transport for London, the GLA and the London Boroughs to discuss the potential for a joint study to consider the capacity of the Central Line to accommodate future growth, in response to concerns which have been raised.

20. **Sport England** has raised an objection and advised that they consider that the Council's current evidence base for sport is not robust and is out of date for informing sports facility needs for the period of the Plan. They have also advised that the tools and guidance available for collecting data and undertaking assessments and strategies with respect to indoor and outdoor sports facilities has advanced. The approach to making provision for open space including outdoor sports facilities in new development should not be focused around meeting conventional quantity standards. In order to be consistent with the current guidance the approach should be focused around identifying sport specific needs and developing specific proposals to respond to such needs. The Council should prepare an up to date sports facility strategy including indoor and outdoor sports facilities.

21. **The Home Builders Federation (HBF)** has raised a general objection to the draft policies and proposed allocations set out in the Draft Local Plan on the basis that the Council, together with other authorities in the Housing Market Area, is not meeting the full objectively assessed housing need with respect to the 2014 population projections.

22. The Council has started to consider the additional work that will be required to address some of the issues raised. Work has already been commissioned to address Sport England's concerns about the need for up to date evidence to support future requirements for playing pitches, indoor sports facilities and open space.

Local Authorities

23. Sixteen responses have been received from other local authorities. The responses from the authorities within the West Essex/East Herts Strategic Housing Market Area are summarised below. Responses from the other authorities are summarised in Appendix B.

24. **Harlow Council** submitted two responses to the consultation. The first response, submitted by Councillor Danny Purton, the Portfolio Holder for Environment, indicated that the Council objects to development to the west and south of Harlow (located in Epping Forest District) unless or until such time as it has been demonstrated that transportation and infrastructure requirements can be delivered at a rate and scale necessary to meet the needs of the Harlow urban area that arise from any such proposed development. The response also expressed concerns that the Draft Local Plan is silent on ways to assist Harlow Council meet its affordable housing need. A further response was also received from Officers which provided support for the collaborative working being undertaken by the Council in accordance with the Duty to Cooperate, but reiterated concerns in relation to ensuring that the transport and infrastructure requirements for Harlow arising from growth proposed can be met.

25. The response received from **East Hertfordshire District Council** is supportive of the approach in the Draft Local Plan and in particular the way in which the Council has reviewed the Green Belt to identify potential land for development and the commitment shown to joint working across the Housing Market Area. East Herts appreciate that further work will be undertaken to assess the deliverability of the proposed sites.

26. The response from **Uttlesford District Council** is also generally supportive of the draft policies and proposed allocations in the Draft Local Plan and in particular the Council's approach to meet the housing need identified through the joint Strategic Housing Market Assessment. It notes that the SHMA authorities will however need to carefully consider the implications of the 2014 projections. Uttlesford note that the proposed allocation of sites around Harlow reflects the outcomes of the strategic sites assessment work undertaken jointly by the SHMA authorities.

27. **Essex County Council** is generally supportive of the draft policies and proposed allocations set out in the Draft Local Plan. The County support the continuation of the Duty to Co-operate practices and state they will continue to support the Council in the development of the Infrastructure Delivery Plan and consider that it is important for the full range of infrastructure requirements arising from growth to be included. Some amendments to flood risk, drainage and surface water management policies are suggested along with some strengthening of the evidence base. An additional policy on healthy communities is suggested.

#### Landowners and Site Promoters

28. Approximately 174 responses to the consultation have been received from site promoters, landowners and developers. Most of these are from those promoting sites for inclusion within the Local Plan. Detailed analysis of these representations is ongoing. Of those responses analysed to date, many are supportive of the Draft Local Plan, vision and the proposed strategy for accommodating growth, and recognise the positive approach the Council is taking with regard to the delivery of housing. Many recognise the exceptional circumstances that exist in the District which necessitate the release of Green Belt Land.

29. The range of issues raised by site promoters, landowners and developers include:

- the Objectively Assessed Housing Need (OAN), and whether it has been correctly identified in the Draft Local Plan;
- whether the proposed residential allocations are sufficient in number to meet the full objectively assessed need and provide a five year housing land supply;

- whether the Plan relies too heavily on the Strategic Sites around Harlow to deliver housing quickly given the infrastructure required to bring these sites forward;
- whether the proposed distribution of housing across the District is proportionate, and whether some settlements should have more or fewer housing allocations than those proposed;
- that assessment undertaken as part of the Site Selection Methodology, as applied to their site, is erroneous;
- that the assessment of their site should be reviewed in the light of further information or a change to the proposed amount of development or site boundary;
- the way in which the findings of Evidence Base documents, including the Green Belt Review Stage 2, were applied in the Site Selection Methodology;
- the indicative capacity assessment and how residential capacities have been estimated; and
- that further clarity is required on the employment sites that will be proposed for allocation, including their impacts on infrastructure provision.

30. Representations have been received from the promoters of the four Strategic Sites around Harlow that are located within Epping Forest District: SP 3.1 Latton Priory; SP 3.2 West Sumners; SP 3.3 West Katherines; and SP 3.4 East of Harlow. These responses were generally supportive of the strategy of directing growth around Harlow, and its important role in meeting the development and infrastructure needs of the District. Respondents are also supportive of the Council's approach to 'front loading' the planning process through the Developer Forum and working with the Council to produce Strategic Masterplans to deliver the Place-shaping aims of Draft Policy SP 4.

31. There were a number of points that were raised by these respondents on aspects of the Plan and Evidence Base, including:

- the risk to delivery of the strategic sites posed by potential land ownership and cross-boundary issues, and that there is a need to coordinate development with adjacent landowners and Harlow Council;
- that draft policy SP 3 Strategic Allocations around Harlow should be supplemented with further site-specific policies for each strategic allocation;
- the promoters at SP 3.1 Latton Priory are concerned about the feasibility of bringing their site forward together with Riddings Lane;
- the promoters of SP 3.4 East of Harlow have registered a holding objection to the potential relocation of the Princess Alexandra Hospital to a location within their site due to the impact this would have on the amount of housing that can be accommodated;
- the promoters of SP 3.3 West Katherines have requested clarity on the extent to which the 3,900 dwellings planned for Strategic Sites proposed for allocation within Epping Forest District are expected to meet the need arising from Harlow District, and whether this has implications for the OAN that has been identified.

32. The issues raised by site promoters, landowners and developers will be considered in further detail to inform the Pre Submission Plan. Further ongoing engagement with site promoters will be taking place as part of the Developer Forums, and with infrastructure providers to understand site-specific requirements for the Strategic and other allocations. The Council will have continued engagement with Harlow District Council on cross-boundary issues as part of the Cooperation for Sustainable Development Board and Developer Forum, particularly on the deliverability of Strategic Sites. This will also be considered in conjunction

with the successful Garden Town bid and the proposed setting up of a joint approach with East Herts and Harlow Councils to bring forward the sites in and around Harlow along garden town principles. In addition further Site Selection Work has been commissioned, and will provide an opportunity to correct any errors that have been identified, revisit site assessments where information or proposals have changed, assess any new sites submitted to the Council as part of the consultation and review elements of the methodology. The Council has also commissioned further work to clearly define infrastructure requirements through the Infrastructure Delivery Plan.

#### Next steps for the preparation of the Pre Submission Plan

33. Following consideration and further analysis of the comments received in response to the Draft Local Plan consultation, the next stage will be to prepare a plan for publication and to publish it under Regulation 19. This will be the document that the Council considers is ready for examination. The Publication Plan must be published together with other “proposed submission documents”, for a six-week period to seek stakeholder representations as to the soundness and legal compliance of the Plan before it can be submitted to the Planning Inspectorate for examination. However, should any significant alterations be made to the strategy and approach set out within the Draft Local Plan, the Council may first be required to undertake additional consultation under the Regulation 18 stage.

34. A new project plan has been developed to programme the work for the Planning Policy Team, other Council specialists and consultants working on the plan up until the Regulation 19 publication. This has taken into account the analysis so far undertaken on comments to the Draft Local Plan and has been used to develop a new timeline for the work.

35. The key issues in managing the programme relate to resources, the ability of external organisations such as Essex County Council in providing timely inputs into plan preparation largely outside our control and the interconnectivity of the various workstreams. The importance of maintaining a full team of appropriately skilled and effective officers and consultants cannot be underestimated and there have been resource concerns with staff leaving/going on maternity leave. In addition the avoidance of diversion of resource to other tasks is a key concern yet matters such as neighbourhood plan advice, development monitoring and assistance do need to be provided. The key workstreams are:

- Update of employment land review to feed into the further site selection work;
- Transport modelling;
- Local plan viability work;
- Joint work to update the employment need within the Functional Economic Market Area and the District to inform the work on site selection;
- Sustainability Appraisal and Habitat Regulations Assessment;
- Retail evidence to assess the impact of recent developments at Chelmsford and Westfield;
- Site Selection work taking account of new sites submitted and comments received;
- Further work on the Infrastructure Delivery Plan;
- Open Space Study, Indoor Sports and Playing Pitch Strategy;
- Working with site promoters on proposed allocations; and
- Coordinating work with the Garden Town project.

36. The Localism Act 2011 amended the provisions set out in the Planning & Compulsory Purchase Act 2004. However, S111 maintains the requirement that a local authority must prepare and maintain a scheme to be known as their Local Development Scheme. The scheme should specify the local development documents which are to be development plan

documents, the subject matter and geographical area for each development plan document, and the timetable for them. Essentially the Local Development Scheme (LDS) lists and programmes the documents that will be produced by a Local Authority. Although there is no longer a requirement for this to be submitted to the Secretary of State, new provisions in the Act state that the local planning authority must make the following available to the public:

- the up to date text of the scheme;
- a copy of any amendments made to the scheme; and
- up to date information showing the state of the authority's compliance with the timetable set out in the scheme.

37. The last Local Development Scheme was formally adopted by the Council in July 2016. This set out the proposed programme for the preparation of a single document – the Epping Forest District Local Plan which will provide a framework for the future development of the District for the period up to 2033. The Plan will contain the strategic vision and policies, site allocations and development management policies. There is no longer a requirement for the Local Development Scheme to list any proposed supplementary planning documents or the statement of community involvement.

38. Since the publication of the Local Development Scheme in July 2016, the Council has made good progress in developing the Local Plan and consulted on the Draft Local Plan in accordance with that project plan. Following the conclusion of the consultation this has been reviewed in the light of the need to repeat and refresh some evidence work as well as commission additional consultancy support. A revised Local Development Scheme is proposed with the preparation of the single district wide local plan scheduled for submission to the Secretary of State for potential examination, in May 2018. The table below sets out the proposed strategic timeline as the basis for the new Local Development Scheme based on a complete review of the programme and assessment of resources/skills available for preparation of the Local Plan going forward.

#### Update on Garden Town Funding

39. Members will be aware that the Council was successful (together with East Herts and Harlow Councils) in securing £500,000 Garden Towns funding from DCLG for the Harlow and Gilston Garden Town to support the delivery of strategic sites in and around Harlow. This includes the four strategic sites to the South, West and East of Harlow in this District. A joint delivery team is being established with EFDC as the lead authority and the post of Project Director is currently being recruited.

#### Housing White Paper

40. The Government published the Housing White Paper '*Fixing Our Broken Housing Market*' on 7 February 2017. This sets out a broad range of reforms that Government plans to introduce to help reform the housing market and increase the supply of new homes. The White Paper includes proposals which may, in time, impact upon the production of Local Plans. However, in many cases the Government has committed to consulting on proposals prior to implementing specific changes to National Planning Policy or Regulations. The proposals in the Housing White Paper are not considered to materially impact upon the proposed modifications to the Local Plan at the current time.

41. Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised Framework later this year which will consolidate the outcome from previous and current consultations and will incorporate changes to reflect changes made to national policy through Written Ministerial Statements

since March 2012.

42. The White Paper sets out consultation questions where new proposals are being made and officers will be reporting to Neighbourhoods Select Committee on 21 March 2017 setting out a proposed response from the Council. Any response needs to be made by 2 May 2017.

#### Equalities Impact Assessment

43. An Equality Impact Assessment will be carried out on the Draft Plan prior to its submission to the Secretary of State following the Regulation 19 publication of the Plan. The Equality Impact Assessment will consider issues relating to gender, age, ethnicity, religion/belief, disability, sexuality and low disposable income. This report is however accompanied by an Equality Analysis report at Appendix C.

#### **Resource Implications:**

The budget for analysis of Draft Local Plan Regulation 18 consultation was approved as part of the Local Plan budget in December 2016.

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

The Council is required by national legislation to prepare and maintain an up to date Local Plan to set out the strategic priorities for the area and the policies that address these.

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

The delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development.

#### **Consultation Undertaken:**

Full public consultation on the Draft Local Plan in accordance with Regulation 18 of the Local Plan Regulations 2012 and in accordance with the Council's Statement of Community Involvement involving residents, local businesses, neighbouring local authorities and statutory consultees as detailed in the report.

#### **Background Papers:**

Report from Remarkable analysing the questionnaires submitted in response to the Draft Local Plan consultation: Please see Appendix A.

Statement of Community Involvement: <http://eppingforest.consultationonline.co.uk/wp-content/uploads/sites/5/2016/08/Statement-of-Community-Involvement-Final.pdf>

Local Plan Regulations 2012: <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

#### **Risk Management:**

The Council needs to be seen to make timely progress on the preparation of a Local Plan to avoid the risk of intervention by the Secretary of State. It is important that the published project plan is kept up to date to inform all stakeholders.

## Epping Forest District Council Local Development Scheme March 2017

| <b>Local Plan</b>   |   |
|---|---|
| Role and Subject  | Determines the amount and location of development for the district together with some release of Green Belt land for this purpose. Sets out the spatial vision, objectives and strategy, all development sites and development management policies for the development of the district for the period up to 2033. |
| Which "saved" policies will it replace?   | All   |
| Geographical coverage   | District wide   |
| Status  | Development Plan Document   |
| Conformity  | Consistent with national planning policy and planning practice guidance   |
| <b>Timetable</b>  |   |
| Evidence gathering & background work<br>Issues & Options preparation and public consultation including initial sustainability appraisal | October 2011 – September 2012<br>Consultation on the issues & options 'Community Choices' took place between 30 July 2012 and 15 October 2012   |
| Draft plan preparation and sustainability appraisal   | October 2012 – October 2016   |
| Consultation on draft plan (a minimum of 6 weeks)   | 31 October 2016 – 12 December 2016  |
| Preparation of Submission Plan and Sustainability appraisal   | January 2017 – December 2017  |
| Pre-submission publication and representations on soundness (6 weeks) Regulation 19   | January/February 2018   |
| Submission to Planning Inspectorate for Examination Regulation 22   | May 2018  |
| Examination in public Regulation 24   | Subject to discussion with the Planning Inspectorate and timetabling – likely to be Autumn 2018   |
| Receipt of report Regulation 25   | Spring 2019   |
| Expected Adoption & Publication (including policies map) Regulation 26  | Autumn 2019   |
| <b>Production</b>   |   |
| Lead department   | Planning Policy (Neighbourhoods Directorate)  |
| Management  | The Portfolio Holder (and the relevant Scrutiny Panel and Cabinet as necessary) will consider drafts. Full Council will approve final draft documents prior to submission.  |
| Resources   | Planning Policy Team with consultative input from Development Management Team Corporate Support, Economic Development, Environment and Street Scene, Country Care, Finance and ICT, and Housing.  |
| Community and Stakeholder Involvement   | In accordance with the Statement of Community Involvement   |

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# Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

If you require further help, please contact the Performance Improvement Unit.

## Step 1. About the policy, service change or withdrawal

|  |   |
|--|---|
| Name of the policy, service or project: <i>be specific</i> | Draft Local Plan  |
| Revised / new / withdrawal:                                | N/A   |
| Intended aims / outcomes/ changes:                         | To ensure that the views of all stakeholders that responded to the Regulation 18 consultation are represented fairly and in full. |
| Relationship with other policies / projects:               | N/A   |
| Name of senior manager for the policy / project:           | Alison Blom-Cooper  |
| Name of policy / project manager:                          | Alison Blom Cooper  |

## Step 2. Decide if the policy, service change or withdrawal is equality relevant

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <p>All stakeholders that participated in the consultation.</p> |
|  | <p>If no, state reasons for your decision:</p>  |

### Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 ‘Sources of evidence for the protected characteristics’

| <i>Characteristic</i>                | <i>Evidence (name of research, report, guidance, data source etc)</i>   | <i>What does this evidence tell you about people with the protected characteristics?</i>   |
|--------------------------------------|---|--|
| Age                                  | <a href="http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base">http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base</a><br>Population projection evidence<br>SHMA evidence base<br>Census<br>Employment evidence      | The evidence outlines the needs for housing provision for all age groups including the ageing population   |
| Dependents / caring responsibilities | <a href="http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base">http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base</a><br>Population projection evidence<br>SHMA evidence base<br>Census data<br>Employment evidence | The evidence outlines the needs for housing provision for all age groups including the ageing population and assisted living requirements and care homes. It will also identify the need for jobs at all levels. Housing standards to be applied will be in line with the lifetime homes standards which cater for ageing population, mobility needs and other disabilities. |
| Disability                           | <a href="http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base">http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base</a><br>Population projection evidence<br>SHMA evidence base<br>Census data                        | Housing standards to be applied will be in line with the lifetime homes standards which cater for ageing population, mobility needs and other disabilities. Where there is evidence pointing to other housing and employment needs these will be provided through the Plan.  |
| Gender reassignment                  | There is no evidence directly related to this. The Plan will not be applying policies that are bias to any groups in terms of the provision of housing and job projection needs.  |  |

|                                |  |  |
|--------------------------------|--|--|
| Marriage and civil partnership | <a href="http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base">http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base</a><br>Population projection evidence<br>SHMA evidence base<br>Census data   | Population projection information based on census provides this information pointing toward changing household trends and future provision needs for existing families and new family unit trends.   |
| Pregnancy and maternity        | <a href="http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base">http://www.eppingforestdc.gov.uk/index.php/help/file-store/category/105-evidence-base</a><br>Population projection evidence<br>SHMA evidence base  | Population projection information based on census will provide this information pointing toward changing household trends and future provision needs. Needs for clinics and specialist facilities are also in the scope of the plan and being addressed. |
| Race / ethnicity               | Information collated through previous monitoring, population projection trends and consultation feedback will have provided some information   | The need for community centres etc and provision will be made accordingly. The Plan will not be applying policies that are bias to any groups.   |
| Religion or belief             | Information collated through previous monitoring, population projection trends and consultation feedback will have provided some information   | The need for community centres, churches etc and provision will be made accordingly. The Plan will not be applying policies that are bias to any groups.   |
| Sex                            | Information collated through previous monitoring may have provided some information, although policies and development proposals in the plan will not be sex related/dependant.  |  |
| Sexual orientation             | Information collated through previous monitoring, may have provided some information. The Local Plan will not be applying policies that are bias to any groups. If we have received and will receive information to support the need for development associated with specific groups we will address as part of the Plan, although policies and development proposals in the plan will not be sex orientation related/dependant. |  |

**Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)**

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be

taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

No actual or likely adverse impacts have come to light, just needs based assessments guiding the Planning Policy team to ensure that demands of the people working, living and visiting the district are met over the Plan period to 2033. The Local Plan must plan positively for future needs around housing and employment and is required to meet the needs that have been identified in the evidence base, including the consultations. If the Draft Plan consultation with stakeholders brings up additional needs for the below groups, which the Plan must make provision for, then the team will ensure that this is taken into account. At the moment there has been a thorough and widespread engagement process to date with all stakeholders, via email (11,000 email addresses), on our website, letters and consultation information distributed to all households in the District, town and parish councils and resident associations and leaflets to commuters.

| <i>Characteristic</i>                | <i>Actual or likely adverse impacts identified</i> | <i>Actions that are already or will be taken to reduce the negative effects identified</i> |
|--------------------------------------|--|--|
| Age                                  | As above   |  |
| Dependents / caring responsibilities | As above   |  |
| Disability                           | As above   |  |
| Gender reassignment                  | As above   |  |
| Marriage and civil partnership       | As above   |  |
| Pregnancy and maternity              | As above   |  |
| Race / ethnicity                     | As above   |  |
| Religion or belief                   | As above   |  |
| Sex                                  | As above   |  |
| Sexual orientation                   | As above   |  |

## **Step 6.**

### **The duty to advance equality of opportunity**

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. *(Note: not relevant to marriage and civil partnership)*

**The Local Plan cannot advance equality of opportunity in the below categories directly via specific policies or land allocations. That is not its purpose and is intended to be a growth and policy Plan, based on objectively assessed evidence that has no motive other than to provide housing, employment, social and recreational infrastructure to meet the needs of our stakeholders. As above in step 3 however information has been collated throughout the project**

**including the consultations and evidence studies that have provided information necessary to make the appropriate provisions for people of all ages, cater for any disability needs (e.g assisted living accommodation) and make provision for future needs, i.e. places of worship, civic and community centres, health clinics/medical centres. The allocation of land for housing, employment and social infrastructure, community uses and related policies are there to cater for all, in line with the emerging evidence without discrimination against any group.**

| <i>Characteristic</i>                | <i>Ways that this policy, service or project can advance equality of opportunity</i> | <i>Why this policy, service or project cannot help to advance equality of opportunity:</i> |
|--------------------------------------|--|--|
| Age                                  | As above   |  |
| Dependents / caring responsibilities | As above   |  |
| Disability                           | As above   |  |
| Gender reassignment                  | As above   |  |
| Pregnancy and maternity              | As above   |  |
| Race / ethnicity                     | As above   |  |
| Religion or belief                   | As above   |  |
| Sex                                  | As above   |  |
| Sexual orientation                   | As above   |  |

### **The duty to foster good relations**

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. (*Note: not relevant to marriage and civil partnership*)

| <i>Characteristic</i>                | <i>How this policy, service or project can foster good relations:</i>   | <i>Why this policy, service or project cannot help to foster good relations:</i> |
|--------------------------------------|---|--|
| Age                                  | By making adequate provision for housing and employment for all age groups and needs. This is a statutory duty but by fulfilling it the Council strengthens its relationship with stakeholders. |  |
| Dependents / caring responsibilities | By making adequate provision for housing and employment for all age groups and needs e.g. assisted living housing.  |  |
| Disability                           | Applying relevant housing standards and ensuring adequate support services whether medical centres and other facilities identified via the consultation feedback and evidence                   |  |
| Gender reassignment                  | N/A   | No active policies in Plan   |

|                         |  |                    |
|-------------------------|--|--------------------|
| Pregnancy and maternity | By making adequate provision for housing and employment for all age groups and needs                     |                    |
| Race / ethnicity        | Making appropriate provisions for housing and employment and civic/community centres as per the evidence |                    |
| Religion or belief      | Making appropriate provision for civic/community centres/places of worship.                              |                    |
| Sex                     | N/A  | No active policies |
| Sexual orientation      | N/A  | No active policies |

### Step 7. Documentation and Authorisation

| Summary of actions to be taken as a result of this analysis (add additional rows as required): | Name and job title of responsible officer | How and when progress against this action will be reported                      |
|--|---|---|
| 1. Presentation of high level findings of consultation feedback to cabinet.                    | Alison Blom Cooper                        | 23 February 2017  |
| 2. Detailed analysis of consultation responses and production of a consultation report.        | Alison Blom Cooper                        | Ongoing with regular reports – consultation statement produced with Reg 19 plan |
| 3.   |   |   |

|  |  |
|--|--|
| Name and job title of officer completing this analysis:  | Alison Blom-Cooper<br>Interim Asst Director Planning Policy & Economic Development |
| Date of completion:  | 09/02/2017   |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | Derek Macnab<br>Director Neighbourhoods  |
| Date of authorisation:   |  |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   |  |

### Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy. Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

**Your summary of equality analysis must include the following information:**

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

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MARCH 2017

**EPPING FOREST DISTRICT COUNCIL:  
DRAFT LOCAL PLAN  
FEEDBACK INTERIM REPORT**

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# Overview

Remarkable Engagement ('Remarkable') was appointed in April 2016 to provide public relations and communications advice for Epping Forest District Council's ('the Council') Draft Local Plan Regulation 18 consultation.

Remarkable produced a programme of activity in August 2016 for the Draft Local Plan consultation which is aligned to three key phases. This involved highlighting the Epping Forest District Local Plan story so far and raising awareness about the Draft Local Plan consultation with a number of promotional activities.

This was with a view to securing strong engagement with all individuals throughout the consultation period through a variety of consultation activities and events.

The key phases were:

Phase 1 - Raising awareness

Phase 2 - Securing engagement

Phase 3 – Feedback

This interim report outlines the key points in relation to activity during Phase 1 and 2 and a summary of the results that can be ascertained so far as part of Phase 3. It should be noted that all comments are currently undergoing more detailed analysis by a dedicated team, with a comprehensive Consultation Statement to be reported to a future Cabinet meeting. The more detailed analysis will include classification of comments under the main issues, and will provide a more detailed picture of respondents' feedback on an area basis.

This initial report serves as an indication of the feedback so far, based on the results of the multiple choice questions in the online and hard-copy questionnaire. It should be noted that the numbers of the type of respondent and response type might change as we continue to verify the data.

While these initial findings provide an overview of the general feedback to these questions, it should be noted that it is not the volume, but the nature of the comments received and the extent to which they relate to the soundness of Plan, that must be considered by the Council alongside emerging evidence as we move towards the next stage of preparation of the Draft Local Plan.

## Phase 1- Raising Awareness

In September and October 2016, a series of activities were completed to promote the Epping Forest District Local Plan and the forthcoming consultation. This included

- Creation and launch of a dedicated website
- Launch of a video to outline the detail around the local plan and how to get involved
- Twitter and Facebook post to raise awareness of the local plan
- E-shots to local residents and stakeholders
- Media briefing on the Draft Local Plan with associated briefing pack and press release
- Stakeholder workshop – 21st May 2016
- Cabinet briefing – 21st July 2016
- All Member briefing – 28th July 2016

In November 2016, a variety of methods were used to ensure local residents and stakeholders were made aware of the upcoming consultation upon its approval at Epping Forest District's Full Council:

- Approx. 57,000 addresses across the District received a newsletter outlining details of the local plan and how to get involved (distributed over the period of the 22nd to 26th October - two weeks ahead of the consultation events)
- Commuter postcards were distributed at 11 tube/rail stations throughout Epping Forest District to advertise the exhibitions and information points
- Twitter and Facebook posts promoting the consultation
- E-shots to local residents and stakeholders
- Adverts were placed in local papers and community blogs
- A further media briefing and consultation briefing pack were distributed with a press release
- Councillor and community group toolkits were also distributed

## Phase 2 – Securing engagement

### Exhibitions

During the consultation period, six exhibitions were held across the District as well 13 information points, for the entirety of the consultation from Monday 31st October to Monday 12th December 2016.

The six exhibitions saw 1,233 (approx.) attendees:

| Exhibition Venue         | Attendees (approx.) | Date          |
|--------------------------|---------------------|---------------|
| North Weald Village Hall | 259                 | 5th November  |
| Lopping Hall, Loughton   | 207                 | 7th November  |
| Chigwell Hall, High Road | 107                 | 8th November  |
| Budworth Hall, Ongar     | 258                 | 9th November  |
| Epping Hall              | 277                 | 11th November |
| Waltham Abbey Town Hall  | 125                 | 14th November |

### Social media & online engagement:

- Website has received 12,367 unique visitors since its launch
- #edfclocalplan – 14,802 accounts reached, 91,000 impressions
- Photos, infographics and videos were uploaded throughout
- Twitter – 255 posts via @eppingforestdc
- Facebook – 170 posts via Epping Forest District Council's established account
- Flickr – photos uploaded of all events

E-bulletins were also issued to those who engaged with previous Local Plan consultations and community representatives at key points in the three phases of the consultation. The below table demonstrates the number of email address the bulletins were sent to.

| Month    | Number of recipients |
|----------|----------------------|
| October  | 3,335                |
| November | 3,417                |
| December | 3,341                |

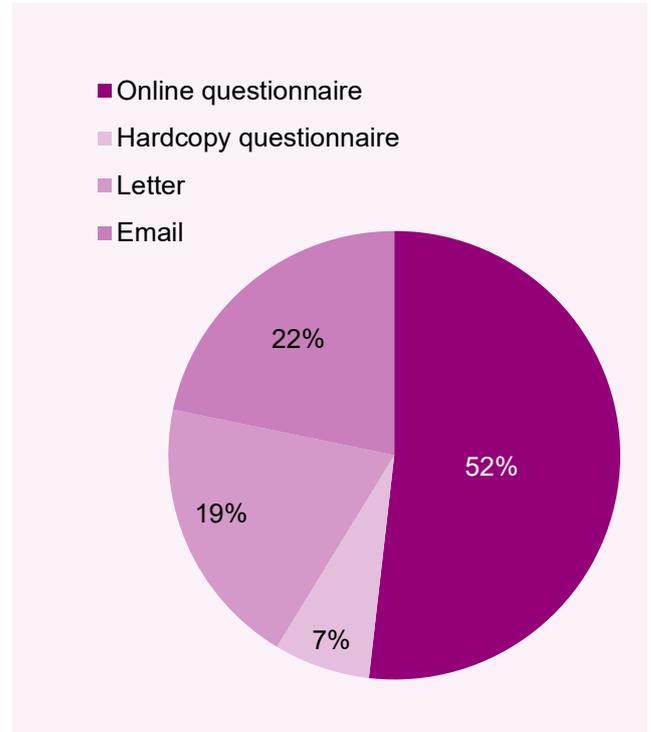
# Phase 3 – Feedback Respondents

The following table provides a breakdown of the responses received to the consultation and the number of respondents they were received from. You will note that the tally of responses is higher than the respondents; this is due to multiple responses from individuals, or organisations acting on behalf of multiple parties.

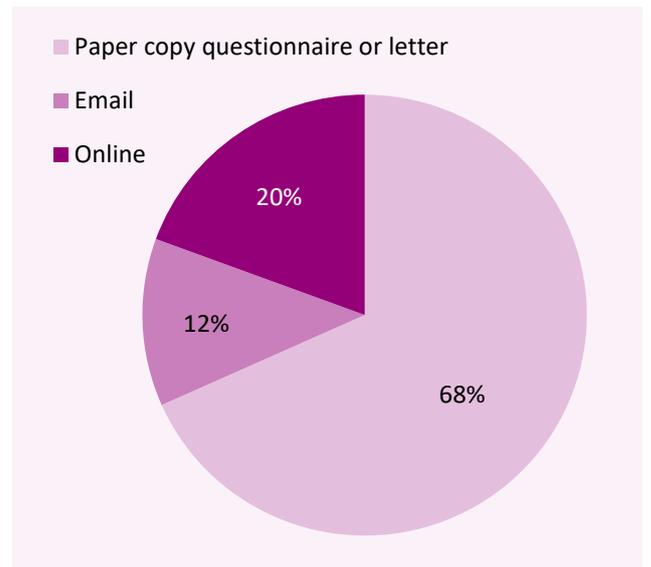
| Breakdown of responses to the Draft Local Plan consultation |                   |
|---|-------------------|
| Number of respondents responding                            | 3118              |
| Number of responses   | 3164 interactions |

The following table details how respondents chose to respond to the consultation. The online questionnaire was by far the most frequently used method to respond to the consultation, particularly when compared with the Issues and Options consultation in 2012 where only 20% of responses were made online.

| Breakdown of format of response used |                     |
|--------------------------------------|---------------------|
| Form of response                     | Number of responses |
| Online questionnaire                 | 1,639               |
| Hardcopy questionnaire               | 218                 |
| Letter                               | 619                 |
| Email                                | 688                 |



Pie chart showing the frequency of methods of response to the 2016 Draft Local Plan consultation



Pie chart showing the frequency of methods of response to the 2012 Issues and Options consultation

The following table details the number of responses received from respondents who are not residents.

| <b>Breakdown of responses to the Draft Local Plan consultation</b>             |   |
|--|---|
| <b>Respondent groups</b>   | <b>Number of responses</b>  |
| <b>Business</b>  | 4   |
| <b>Local organisations</b>   | 79  |
| <b>Agents, landowners, developers</b>  | 174   |
| <b>Town and Parish Councils</b>  | <ol style="list-style-type: none"> <li>1. Nazeing Parish Council</li> <li>2. Theydon Bois Parish Council</li> <li>3. Loughton Town Council</li> <li>4. Joint response from Epping Town Council and North Weald Bassett Parish Council</li> <li>5. Buckhurst Hill Parish Council</li> <li>6. Waltham Abbey Town Council</li> <li>7. Epping Town Council</li> <li>8. Theydon Mount Parish Council</li> <li>9. Moreton, Bobbingworth and the Lavers Parish Council</li> <li>10. Sheering Parish Council</li> <li>11. Roydon Parish Council</li> <li>12. Stanford Rivers Parish Council</li> <li>13. Ongar Town Council</li> <li>14. Epping Upland Parish Council</li> <li>15. Chigwell Parish Council</li> <li>16. Fyfield Parish Council</li> <li>17. North Weald Bassett Parish Council</li> </ol> |
| <b>Elected representatives – County, District, Town and Parish Councillors</b> | Harlow District Councillors x 2<br>Essex County Councillors x 2<br>Epping Forest District Councillors x 15<br>Town and Parish Councillors x 8   |
| <b>Local planning authorities</b>  | <ol style="list-style-type: none"> <li>1. Braintree District Council</li> <li>2. City of London</li> <li>3. Harlow District Council</li> <li>4. London Borough of Newham</li> <li>5. Uttlesford District Council</li> <li>6. Mayor of London</li> </ol>   |

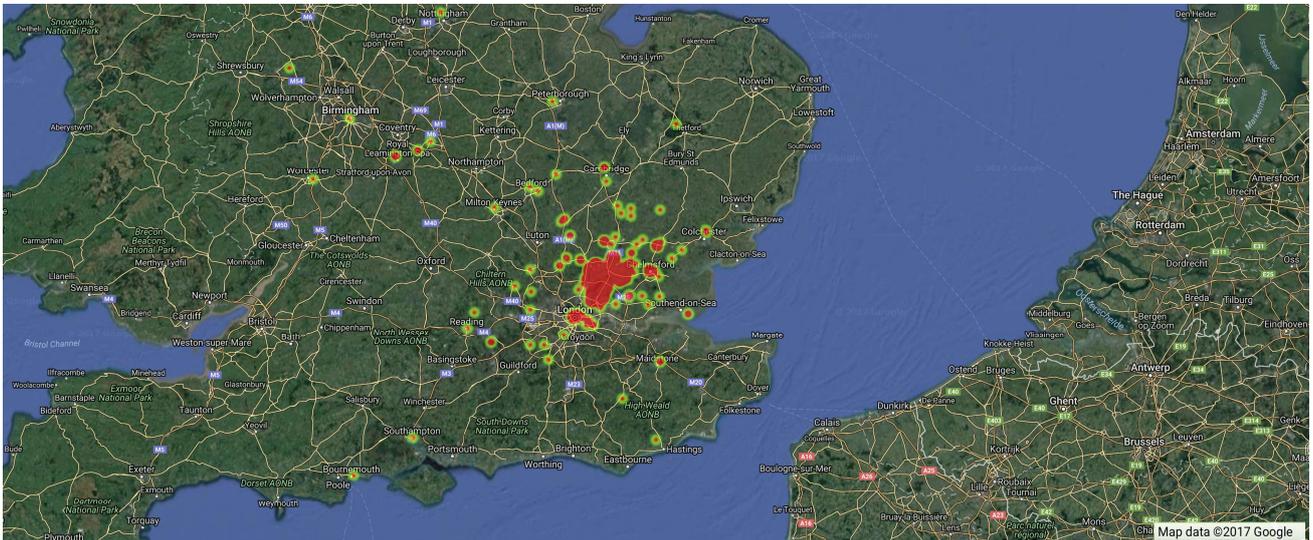
7. Broxbourne Borough Council
8. Lee Valley Regional Park Authority
9. Brentwood Borough Council
10. Chelmsford City Council
11. London Borough of Waltham Forest
12. Basildon Borough Council
13. London Borough of Redbridge
14. East Herts Council
15. Hertfordshire County Council
16. Essex County Council x 2

#### National organisations

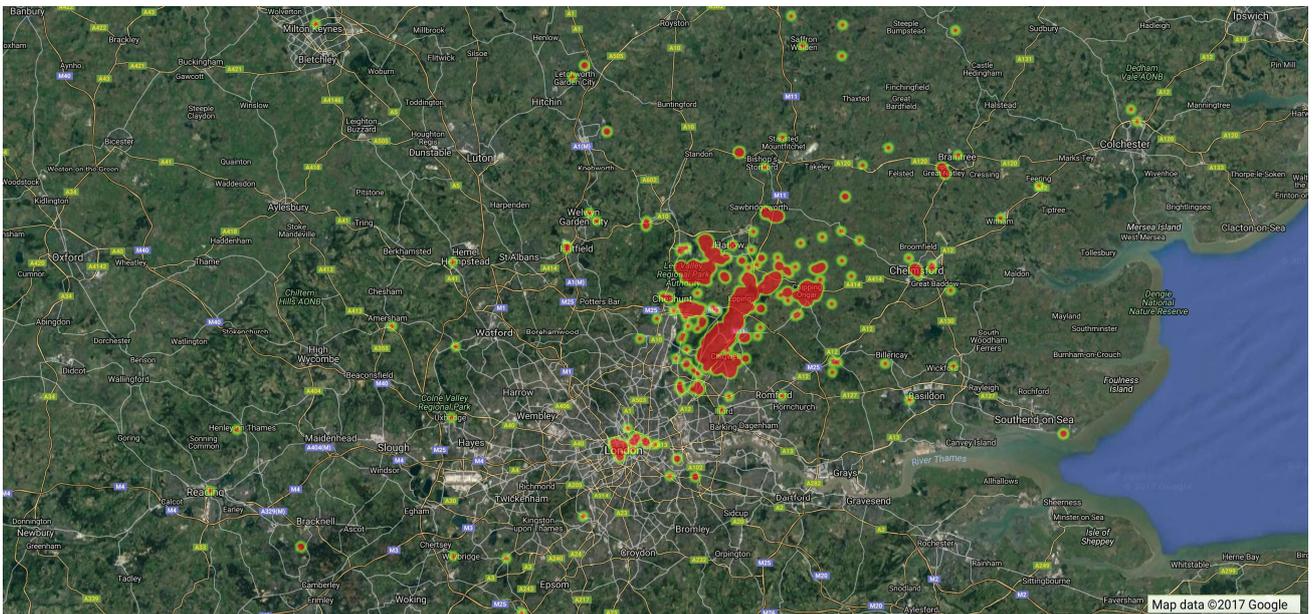
1. Sports England
2. Theatres Trust
3. Transport for London x 2
4. United Karate association x 7
5. British Gymnastics
6. British Canoeing
7. Historic England
8. National Grid
9. Canal River Trust
10. Natural England
11. The London Green Belt Council
12. Environment Agency
13. Home Builders Federation
14. Forestry Commission
15. Campaign to Protect Rural England
16. Highways England
17. Royal Mail
18. Anglia Water
19. Thames Water

# Geographical location of respondents

Respondents addresses have begun to be inputted into a heat map. A final version of the map will be available in the full Consultation Statement, however, the map below gives snapshots, at different levels, of the location of the responses received. The Loughton and Chigwell areas have produced the most responses to the consultation.

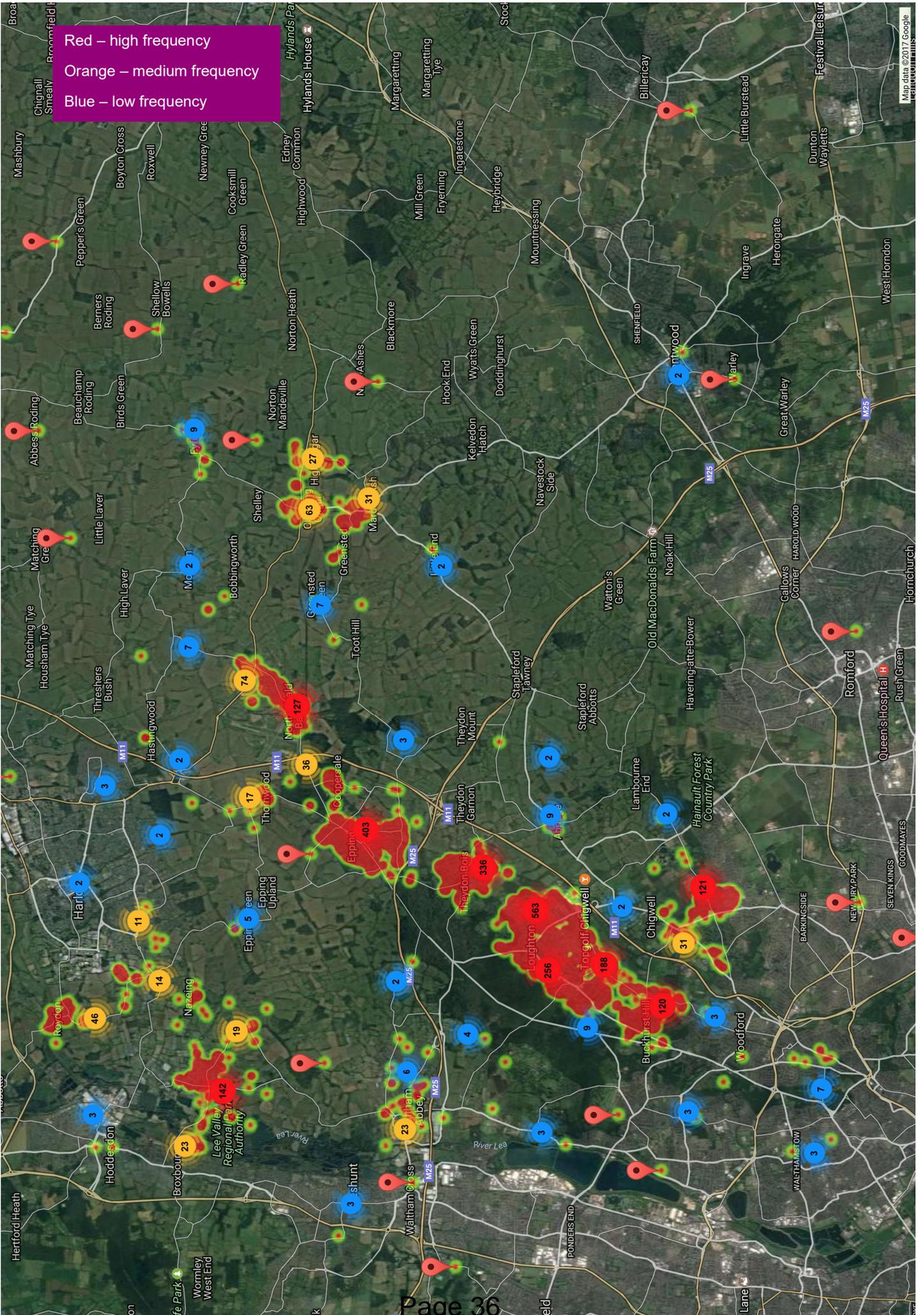


Heat maps of location of responses received to the consultation



Heat maps of location of responses received to the consultation

Red – high frequency  
 Orange – medium frequency  
 Blue – low frequency



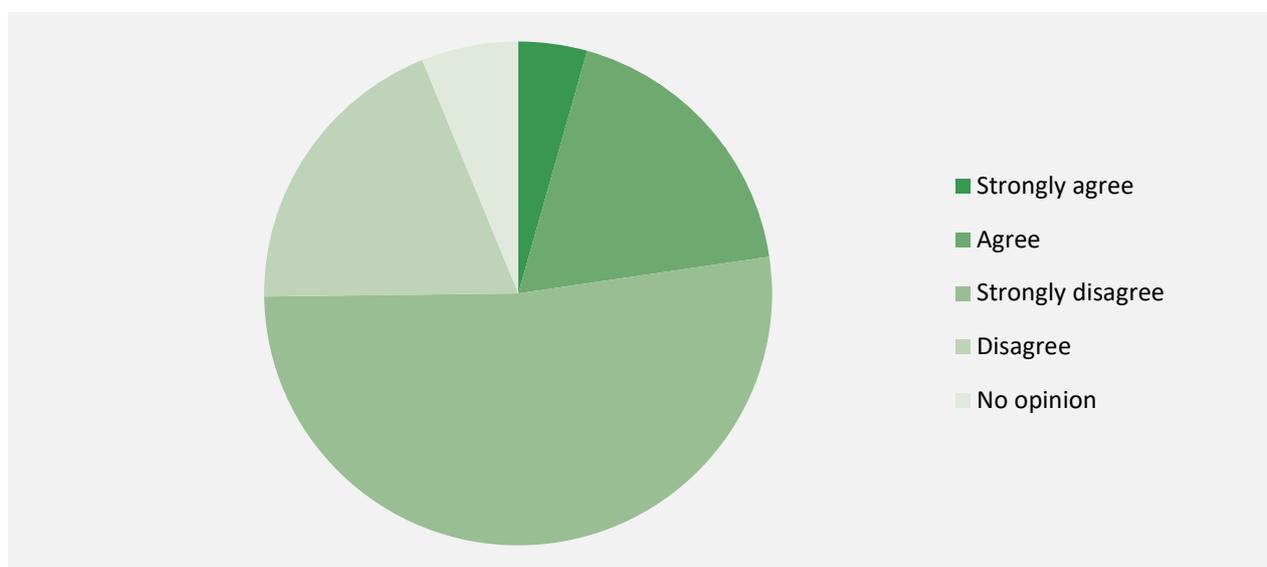
# Summary of responses

Please note that the following quantitative information is only taken from the responses to the hardcopy and online questionnaires. Qualitative analysis of all responses (including letters and emails) will follow in the Full Consultation Statement.

We are currently in the process of adding responses that the analysis software considered to be duplicates; therefore the number of responses to each question does not tally with the final figure shown at the beginning of this document.

The below charts detail the responses to the different questions. Therefore, there are different totals for each question.

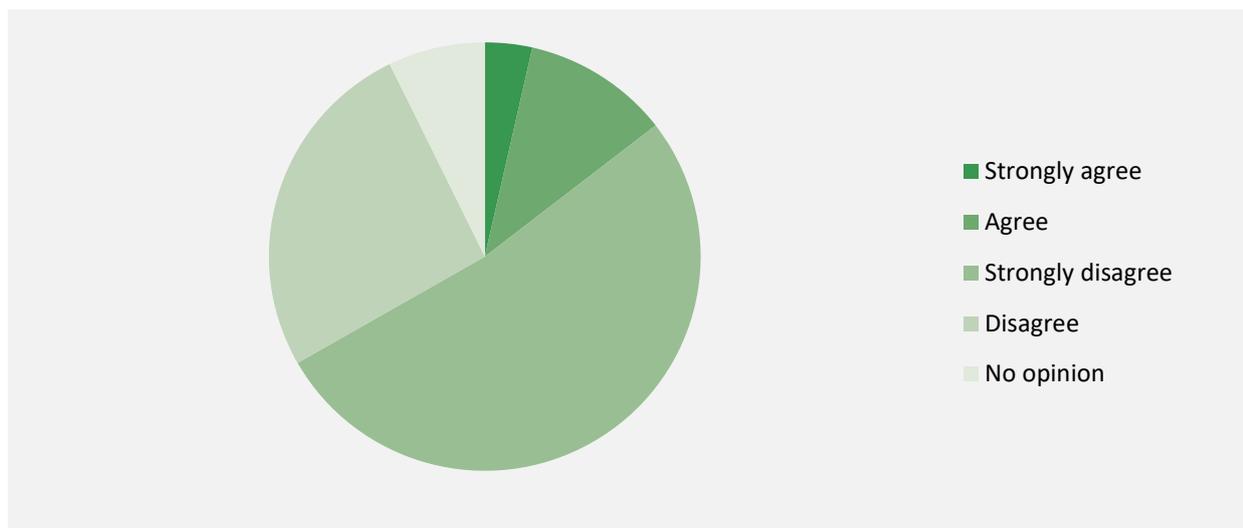
## Q1. Do you agree with the overall vision that the Draft Local Plan sets out for Epping Forest District?



|            | Strongly agree | Agree | Strongly disagree | Disagree | No opinion | Total |
|------------|----------------|-------|-------------------|----------|------------|-------|
| Question 1 | 78             | 326   | 928               | 339      | 110        | 1781  |
|            | 4.4%           | 18.3% | 52.1%             | 19.0%    | 6.2%       |       |

*N.B. 64 individuals did not respond to the question.*

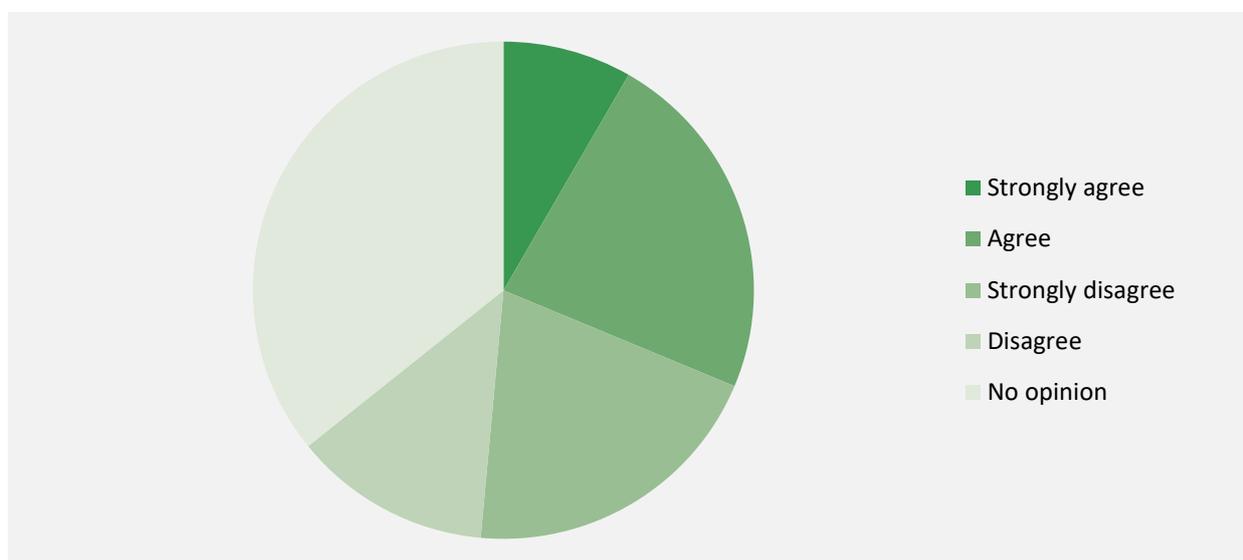
**Q2. Do you agree with our approach to distribution of new housing across Epping Forest District?**



|            | Strongly agree | Agree | Strongly disagree | Disagree | No opinion | Total |
|------------|----------------|-------|-------------------|----------|------------|-------|
| Question 2 | 63             | 195   | 927               | 462      | 129        | 1776  |
|            | 3.5%           | 11.0% | 52.2%             | 26.0%    | 7.3%       |       |

*N.B. 70 individuals did not respond to Question 2.*

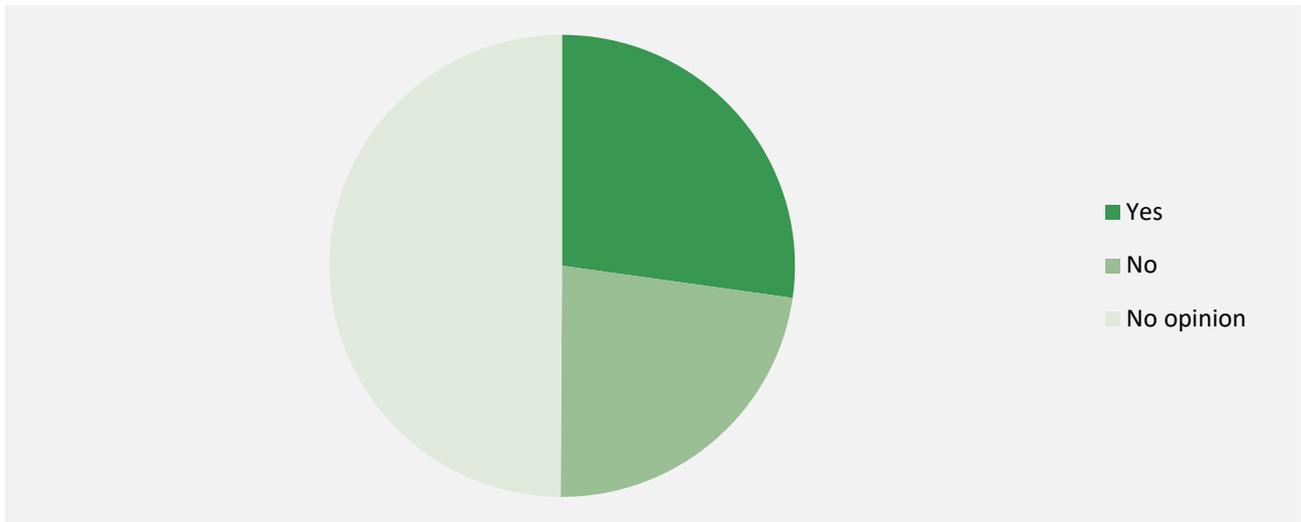
**Q3. Do you agree with the proposals for development around Harlow?**



|            | Strongly agree | Agree | Strongly disagree | Disagree | No opinion | Total |
|------------|----------------|-------|-------------------|----------|------------|-------|
| Question 3 | 141            | 389   | 341               | 216      | 606        | 1693  |
|            | 8.3%           | 23%   | 20.1%             | 12.8%    | 35.8%      |       |

*N.B. 153 individuals did not respond to Question 3.*

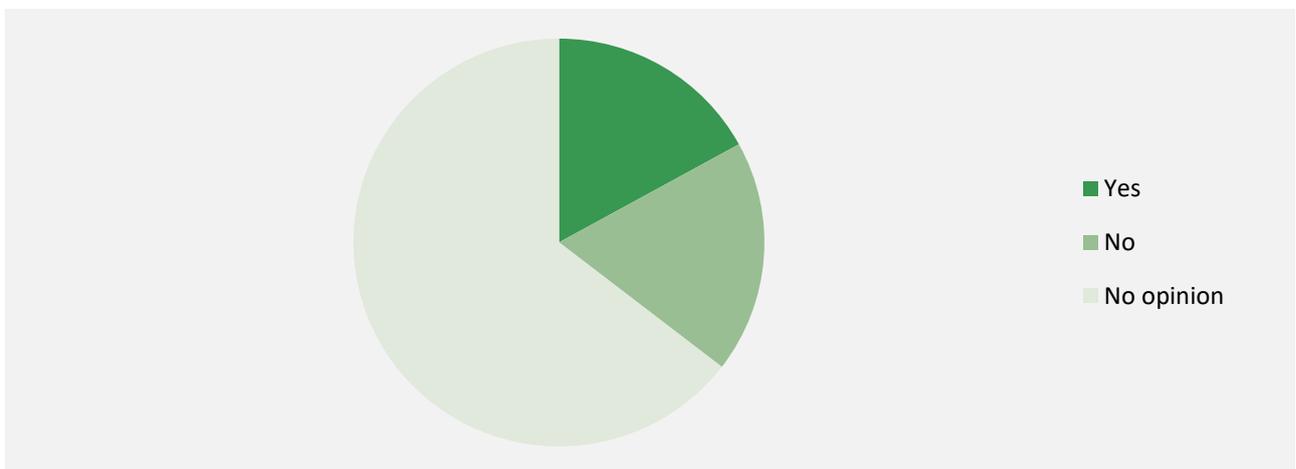
**Q4.a. Do you agree with the proposed shopping area in Epping?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.a | 466   | 391   | 854        | 1711  |
|              | 27.2% | 22.9% | 49.9%      |       |

*N.B. Please note that 135 individuals did not respond to the Question 4.a.*

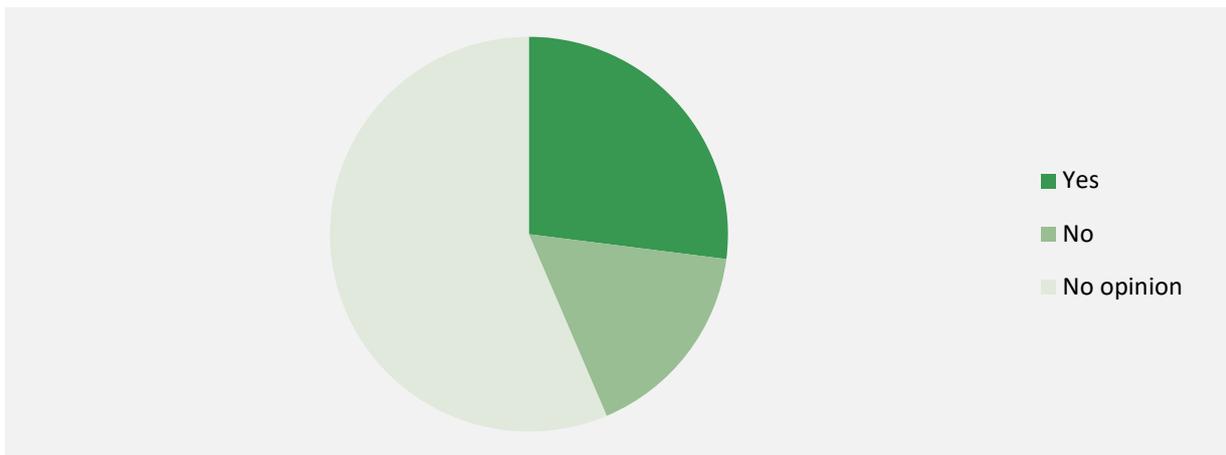
**Q4.b. Do you agree with the proposed shopping area in Buckhurst Hill?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.b | 284   | 308   | 1078       | 1670  |
|              | 17.0% | 18.4% | 64.6%      |       |

*N.B. Please note that 176 individuals did not respond to Question 4.b.*

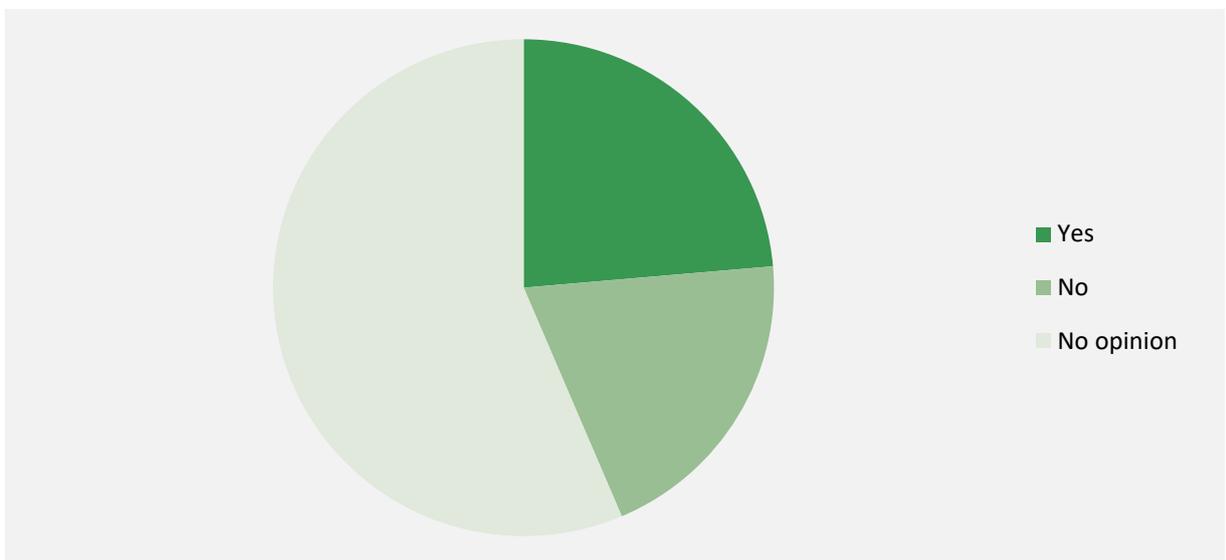
**Q4.c. Do you agree with the proposed shopping area in Loughton Broadway?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.c | 451   | 277   | 941        | 1669  |
|              | 27.0% | 16.6% | 56.4%      |       |

*N.B. Please note that 177 individuals did not respond to Question 4.c.*

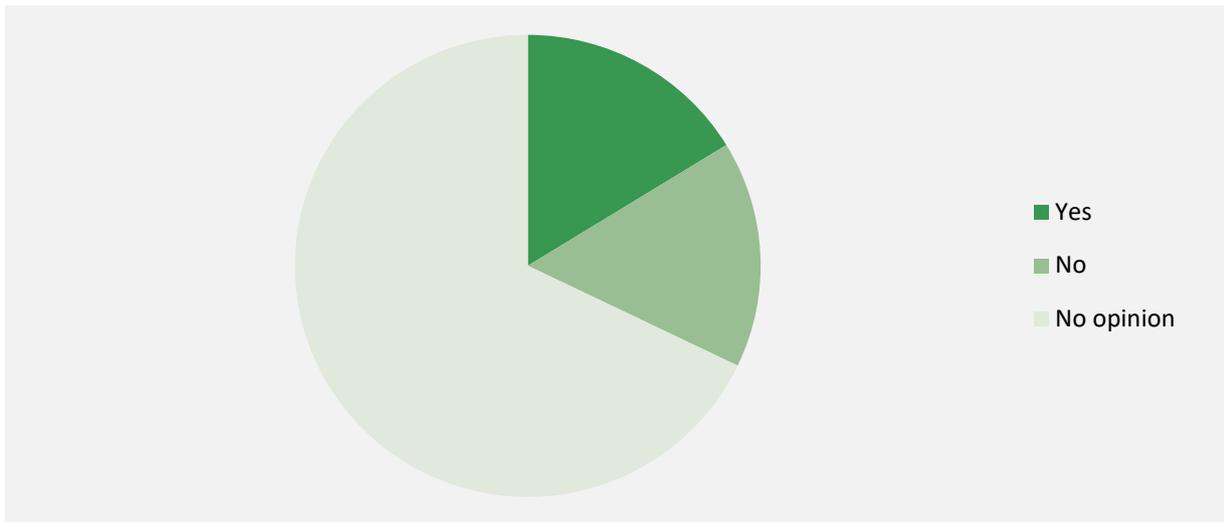
**Q4.d. Do you agree with the proposed shopping area in Loughton High Road?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.d | 397   | 335   | 948        | 1680  |
|              | 23.6% | 19.9% | 56.4%      |       |

*N.B. Please note that 166 individuals did not respond to Question 4.d.*

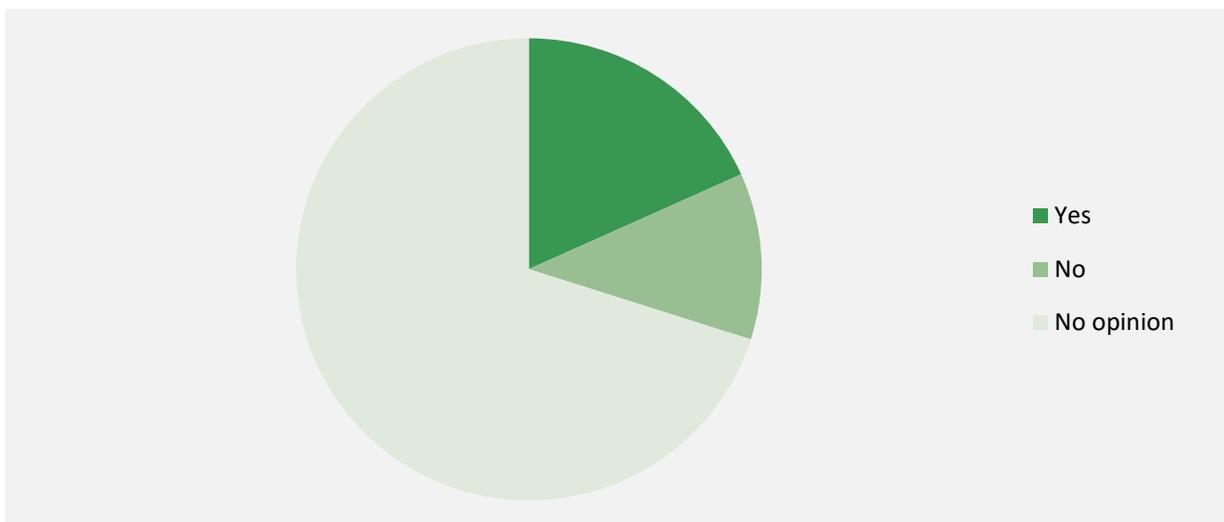
**Q4.e. Do you agree with the proposed shopping area in Chipping Ongar?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.e | 273   | 267   | 1141       | 1681  |
|              | 16.2% | 15.9% | 67.9%      |       |

*N.B. Please note that 165 individuals did not respond to Question 4.e.*

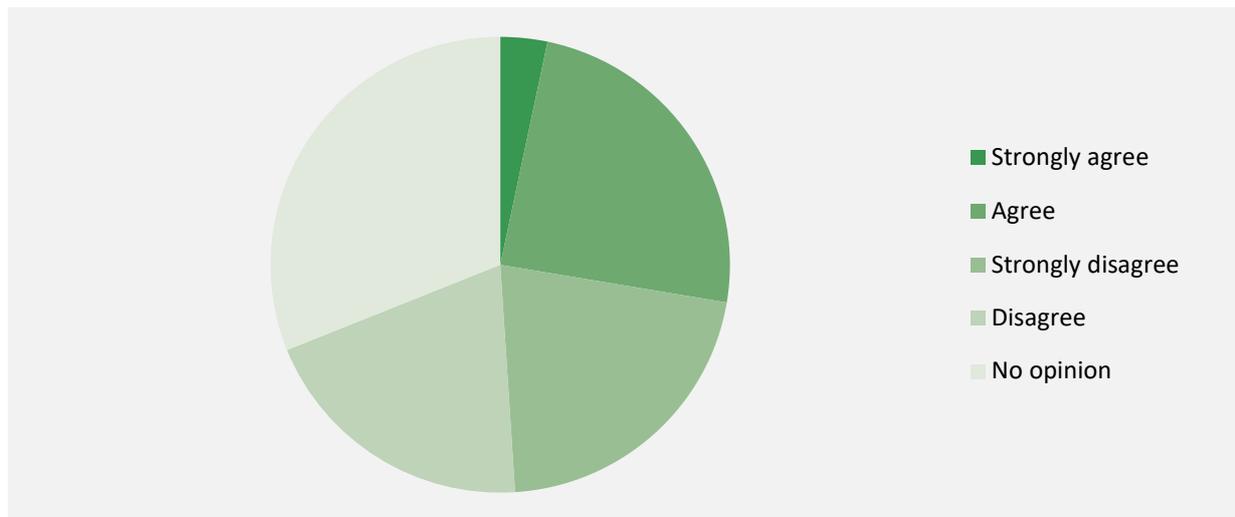
**Q4.f. Do you agree with the proposed shopping area in Waltham Abbey?**



|              | Yes   | No    | No opinion | Total |
|--------------|-------|-------|------------|-------|
| Question 4.f | 303   | 193   | 1162       | 1658  |
|              | 18.3% | 11.6% | 70.1%      |       |

*N.B. Please note that 188 individuals did not respond to Question 4.f.*

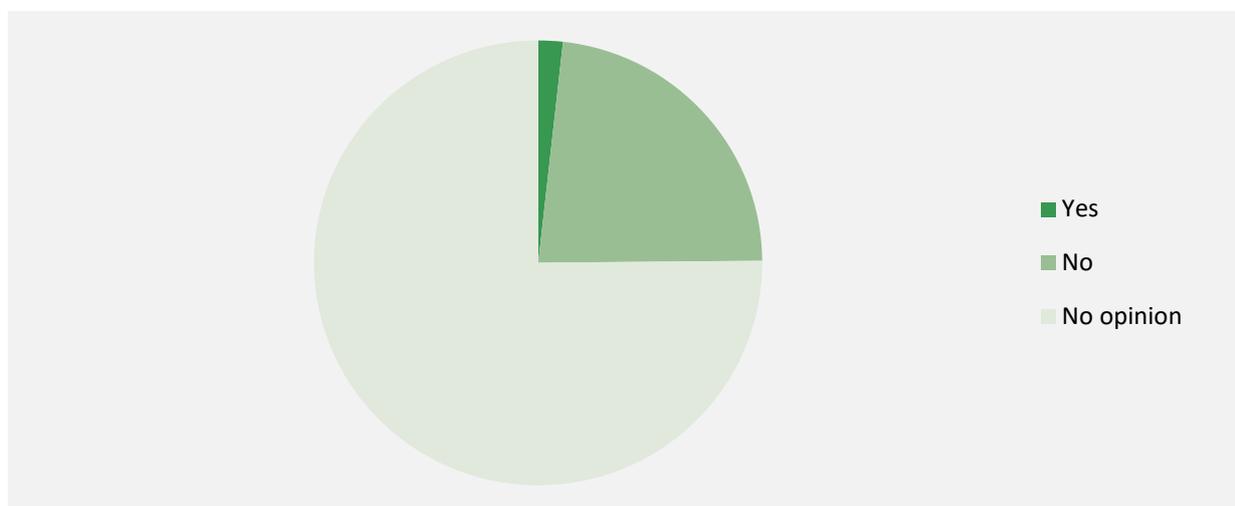
**Q5. Do you agree with the proposals for new employment development?**



|            | Strongly agree | Agree | Strongly disagree | Disagree | No opinion | Total |
|------------|----------------|-------|-------------------|----------|------------|-------|
| Question 5 | 55             | 403   | 353               | 330      | 515        | 1656  |
|            | 3.3%           | 24.3% | 21.3%             | 19.9%    | 31.1%      |       |

*N.B. Please note that 189 individuals did not respond to Question 5.*

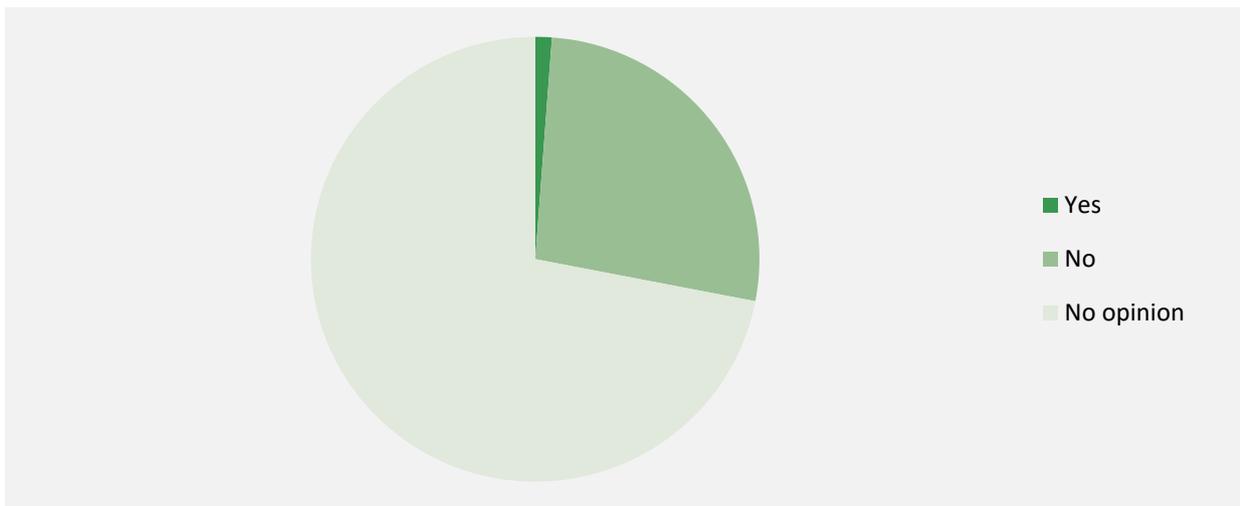
**Q6. Do you agree with the proposed sites in your area? Epping**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.a | 30   | 392   | 1,275      | 1697  |
|              | 1.8% | 23.1% | 75.1%      |       |

*N.B. Please note that 149 individuals did not respond to Question 6.a.*

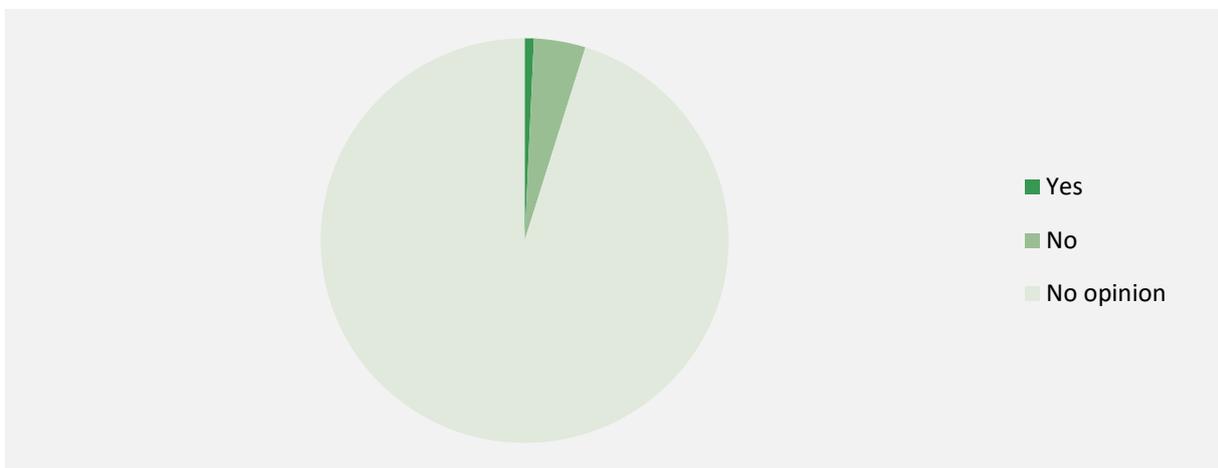
**Q6. Do you agree with the proposed sites in your area? Loughton**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.b | 20   | 449   | 1204       | 1673  |
|              | 1.2% | 26.8% | 72.0%      |       |

*N.b. Please note that 173 individuals did not respond to Question 6.b*

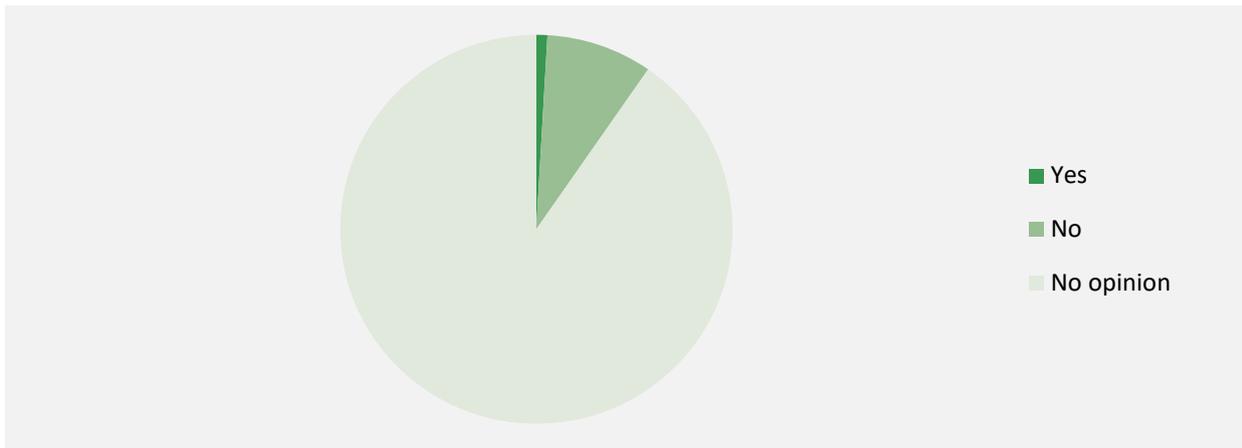
**Q6. Do you agree with the proposed sites in your area? Waltham Abbey**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.c | 12   | 67   | 1,562      | 1641  |
|              | 0.7% | 4.1% | 95.2%      |       |

*N.B. Please note that 205 individuals did not respond to Question 6.c.*

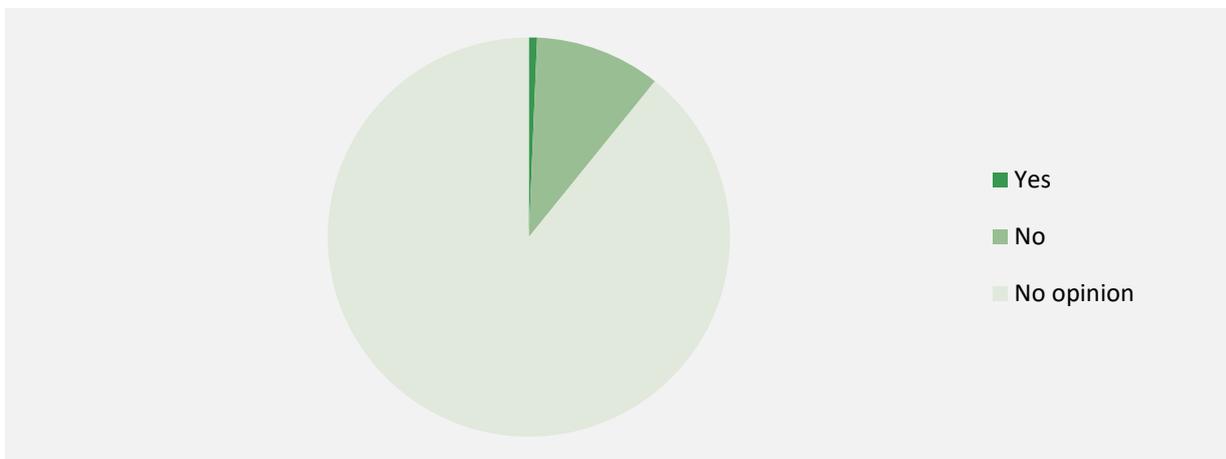
**Q6. Do you agree with the proposed sites in your area? Chipping Ongar**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.d | 15   | 146  | 1,506      | 1667  |
|              | 0.9% | 8.8% | 90.3%      |       |

*N.B. Please note that 179 individuals did not respond to Question 6.d.*

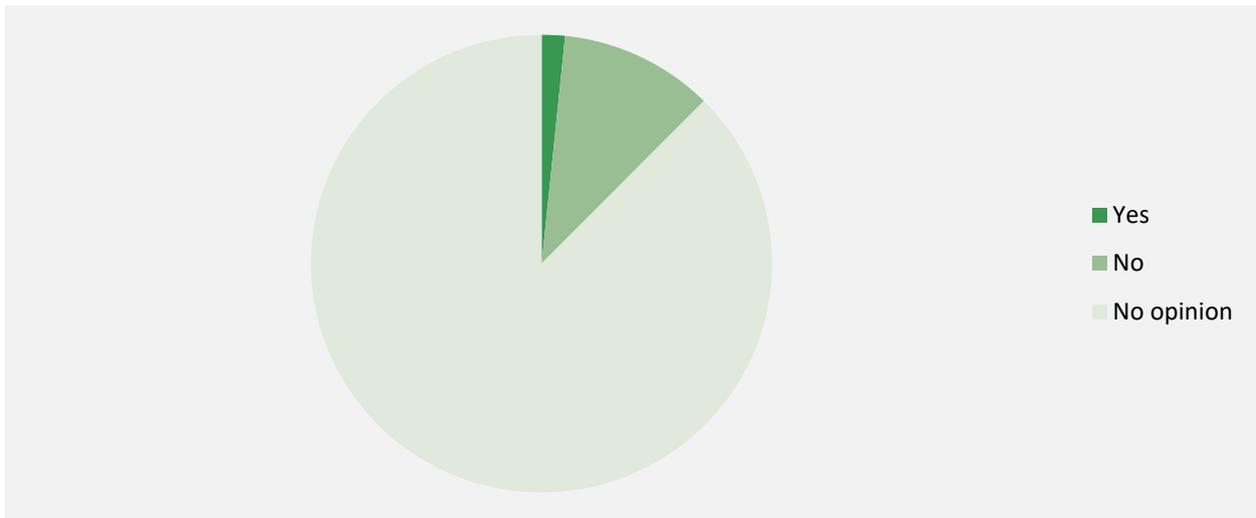
**Q6. Do you agree with the proposed sites in your area? Buckhurst Hill**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.e | 11   | 167   | 1474       | 1652  |
|              | 0.7% | 10.1% | 89.2%      |       |

*N.B. Please note that 194 individuals did not respond to Question 6.e.*

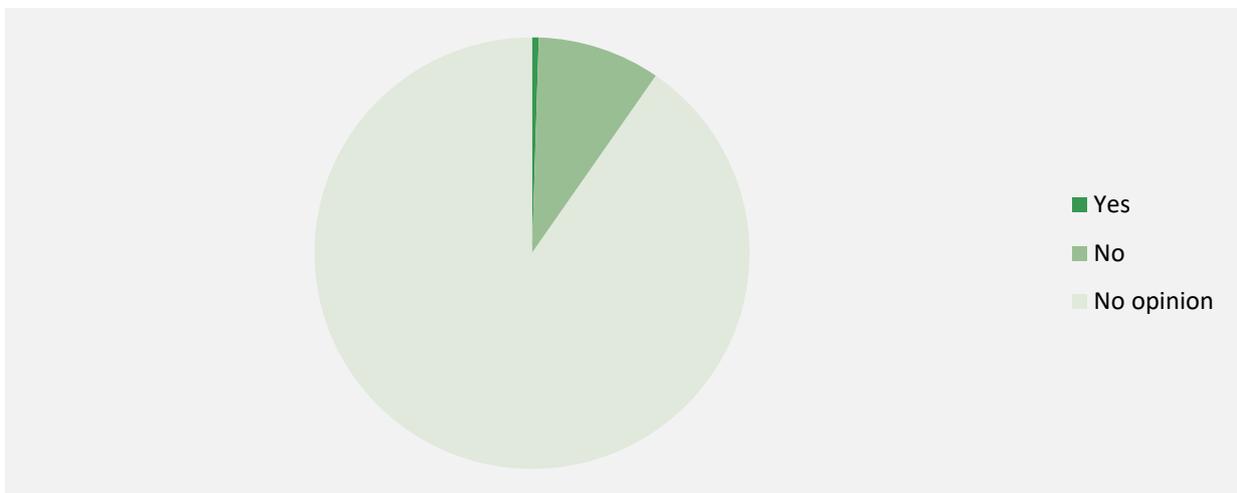
**Q6. Do you agree with the proposed sites in your area? North Weald Bassett**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.f | 27   | 179   | 1452       | 1658  |
|              | 1.6% | 10.8% | 87.6%      |       |

*N.B. Please note that 188 individuals did not respond to Question 6.f.*

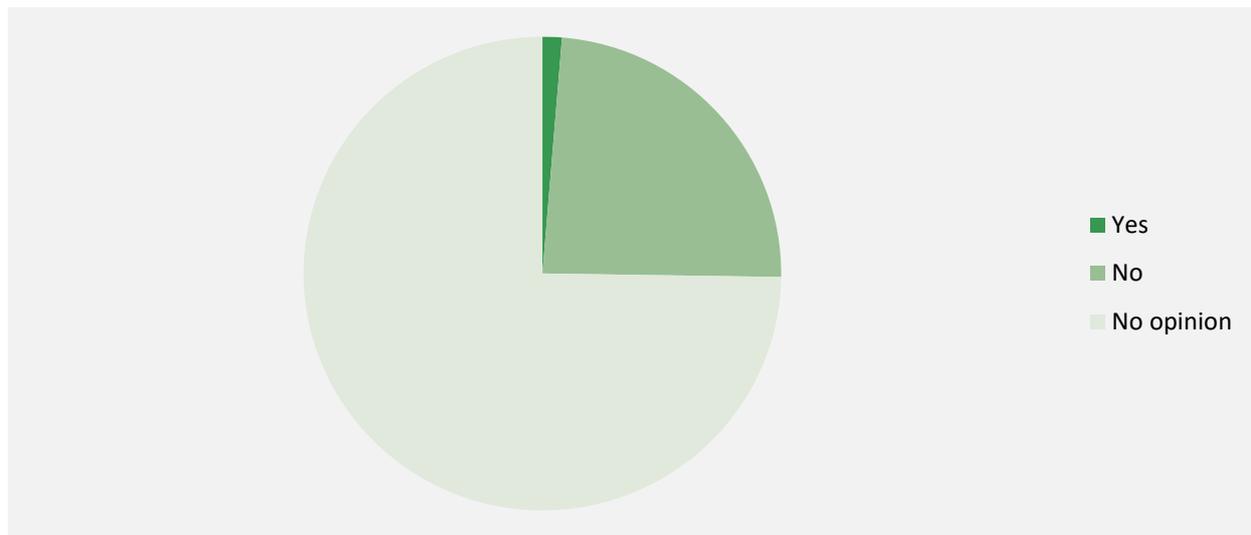
**Q6. Do you agree with the proposed sites in your area? Chigwell**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.g | 8    | 151  | 1,488      | 1647  |
|              | 0.5% | 9.2% | 90.3%      |       |

*N.B. Please note that 199 individuals did not respond to Question 6.g.*

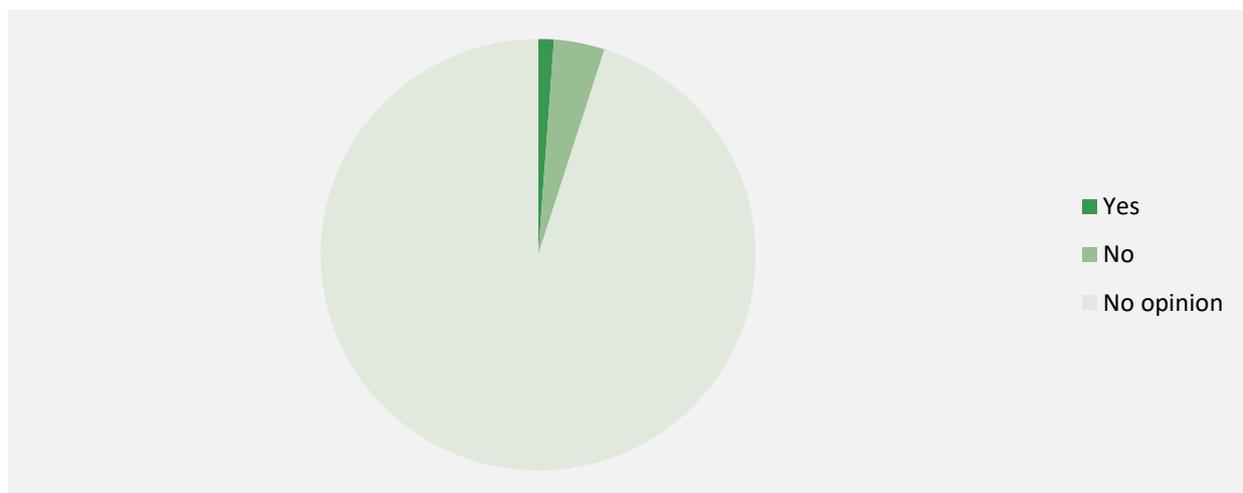
**Q6. Do you agree with the proposed sites in your area? Theydon Bois**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.h | 22   | 403   | 1,260      | 1685  |
|              | 1.3% | 23.9% | 74.8%      |       |

*N.B. Please note that 161 individuals did not respond to Question 6.h.*

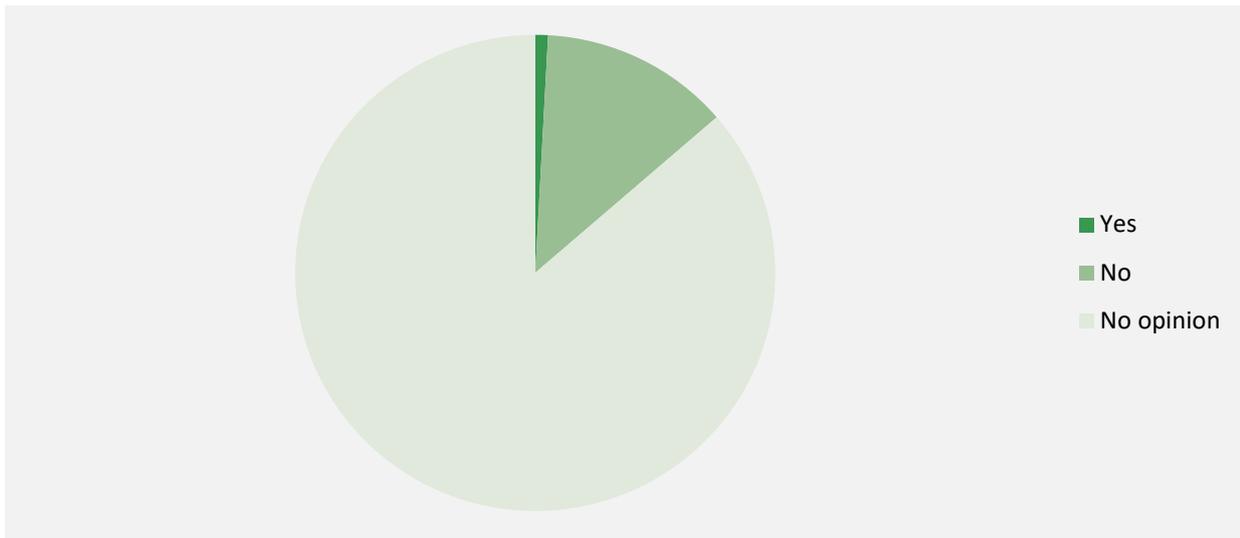
**Q6. Do you agree with the proposed sites in your area? Roydon**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.i | 19   | 62   | 1557       | 1638  |
|              | 1.2% | 3.8% | 95.0%      |       |

*N.B. Please note that 208 individuals did not respond to Question 6.h.*

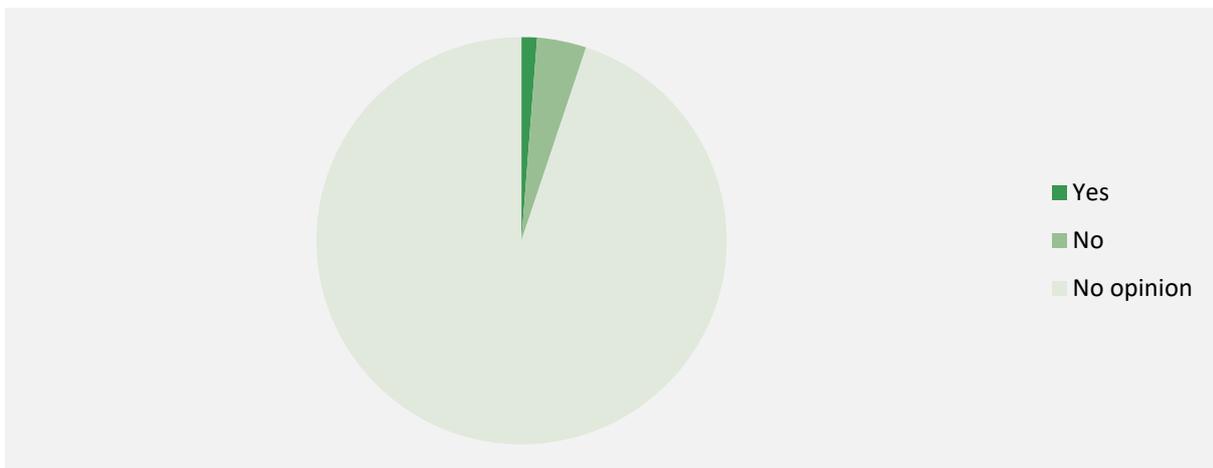
**Q6. Do you agree with the proposed sites in your area? Nazeing**



|              | Yes  | No    | No opinion | Total |
|--------------|------|-------|------------|-------|
| Question 6.j | 14   | 210   | 1,416      | 1640  |
|              | 0.9% | 12.8% | 86.3%      |       |

*N.B. Please note that 206 individuals did not respond to Question 6.i.*

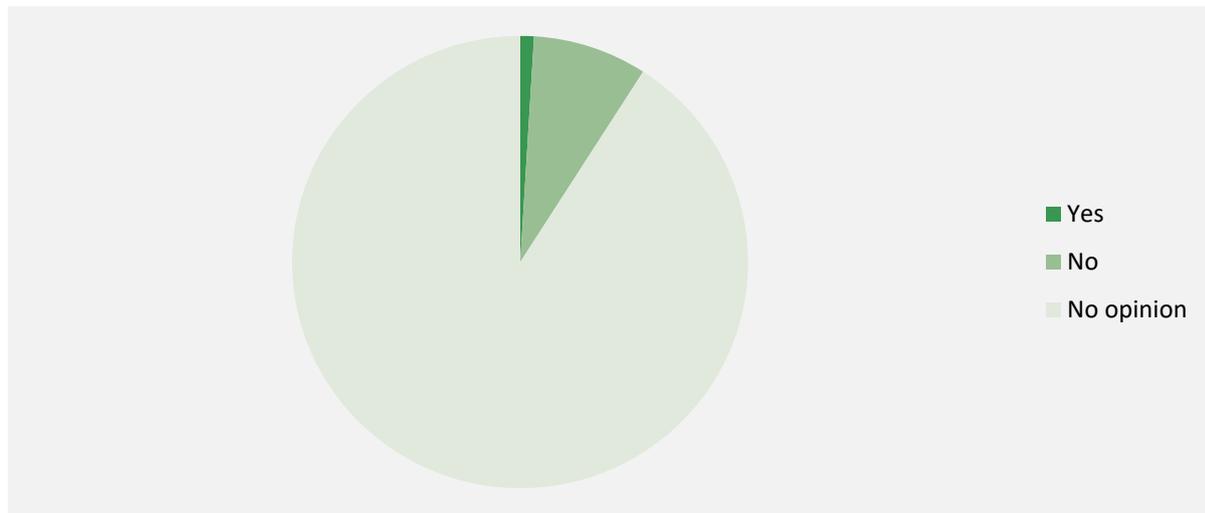
**Q6. Do you agree with the proposed sites in your area? Thornwood**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.k | 20   | 64   | 1563       | 1647  |
|              | 1.2% | 3.9% | 94.9%      |       |

*N.B. Please note that 199 individuals did not respond to Question 6.k.*

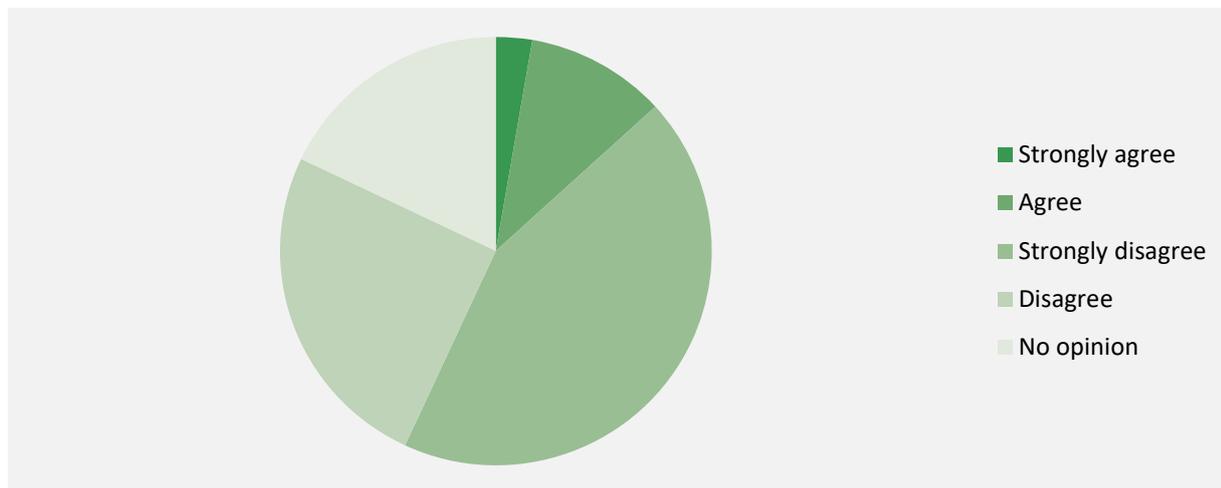
**Q6. Do you agree with the proposed sites in your area? Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sewardstonebury, Sheering and Stapleford Abbots**



|              | Yes  | No   | No opinion | Total |
|--------------|------|------|------------|-------|
| Question 6.I | 16   | 134  | 1503       | 1653  |
|              | 1.0% | 8.1% | 90.9%      |       |

*N.B. Please note that 193 individuals did not respond to Question 6.I.*

**Q7. Do you agree with the approach to infrastructure provision being proposed in the plan?**



|            | Strongly agree | Agree | Strongly disagree | Disagree | No opinion | Total |
|------------|----------------|-------|-------------------|----------|------------|-------|
| Question 7 | 46             | 179   | 743               | 428      | 305        | 1701  |
|            | 2.7%           | 10.5% | 43.7%             | 25.2%    | 17.9%      |       |

*N.B. Please note that 145 individuals did not respond to Question 7.*

**Q8. An Interim Sustainability Appraisal has been commissioned to support the Draft Local Plan. We would welcome any comments you may have on this.**

Question 8 did not provide a tick box response. Individuals were instead given the opportunity to respond using an open text comment.

708 respondents answered this question with the following points and issues being the ones most frequently raised – please note this is an early indication of the comments received to this question and may change as part of the Full Consultation Statement.

It should also be noted that the below list reflects the number of comments classified under this question. A single comment by an individual may have multiple classifications and the comment could therefore be 'counted' multiple times, for example; policy discussed, site selection discussed and objecting or supporting comments.

1. Opposition to the principle of development in the Green Belt
2. Concern about current and future overcrowding on the Central Line
3. Comments regarding Draft Policy P 8 Theydon Bois

4. Concerns about the impact on the character of the town / village
5. Concern about pressure on car parking spaces
6. Concern about the impact on school capacity
7. Comments about the adequacy of the Green Belt review
8. Concerns that the bus services are infrequent and have restricted times to accommodate the growth set out in the Draft Local Plan
9. Comments regarding Draft Policy P 2 Loughton / Loughton Broadway
10. Comments that the loss of open space will result in a negative impact on residents' health and wellbeing

**Q9. Opportunity to comment on policies further**

Question 9 did not provide a tick box response. Instead it provided respondents with multiple opportunities to respond using an open text comment

Further information about the policies and comments raised in this section will be available in the full Consultation Statement.

# Demographic data

Please note the number of responses to this section do not tally to the number of online and hardcopy questionnaires, due to the way the hardcopy questionnaires have been completed by some respondents.

| Age Group         | Frequency    |
|-------------------|--------------|
| Under 16          | 1 (0.06%)    |
| 16 - 19           | 5 (0.30%)    |
| 20 - 25           | 33 (2.00%)   |
| 26 - 35           | 171 (10.38%) |
| 36-45             | 333 (20.22%) |
| 46-55             | 299 (18.15%) |
| 56-65             | 296 (17.97%) |
| 66-75             | 239 (14.51%) |
| 76-85             | 43 (2.61%)   |
| 86+               | 8 (0.49%)    |
| Prefer not to say | 219 (13.30%) |

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

| Yes, limited a lot | Yes, limited a little | No            |
|--------------------|-----------------------|---------------|
| 0                  | 1 (0.07%)             | 1417 (99.93%) |

|               |              |
|---------------|--------------|
| Physical      | 104 (73.24%) |
| Sensory       | 6 (4.23%)    |
| Learning      | 3 (2.11%)    |
| Mental health | 10 (7.04%)   |
| Other         | 19 (13.38%)  |

### What is your religion?

|   |              |
|---|--------------|
| No religion                                       | 438 (28.20%) |
| Christian (including all Christian denominations) | 764 (49.20%) |
| Buddhist  | 6 (0.39%)    |
| Hindu   | 4 (0.26%)    |
| Jewish  | 34 (2.19%)   |
| Muslim  | 2 (0.13%)    |
| Quaker  | 2 (0.13%)    |
| Baha'i  | 1 (0.06%)    |
| Prefer not to say                                 | 249 (16.03%) |
| Other   | 53 (3.41%)   |

### What is your sex?

| Male         | Female       | Prefer not to say |
|--------------|--------------|-------------------|
| 722 (45.99%) | 738 (47.01%) | 110 (7%)          |

### Do you identify as transgender?

| Yes       | No            | Prefer not to say |
|-----------|---------------|-------------------|
| 6 (0.47%) | 1127 (88.25%) | 144 (11.28%)      |

### What is your sexual orientation?

| Heterosexual  | Lesbian   | Gay       | Bisexual  | Prefer not to say |
|---------------|-----------|-----------|-----------|-------------------|
| 1145 (79.90%) | 6 (0.42%) | 9 (0.63%) | 9 (0.63%) | 264 (18.42%)      |

# Frequent comments

**The below is an early indication of the top 10 comments being raised in the feedback received to the consultation. This may change in the full Consultation Statement.**

No 1: Comments relating to existing and future traffic and congestion concerns

No 2: Comments relating to existing concerns about healthcare provision in the District and the future impact as a result of the Local Plan

No 3: Comments relating to existing concerns about impact to schools in the District and the future impact as a result of the Local Plan

No 4: Comments relating to concerns about pressure on car parking places

No 5: Comments relating to the inadequate provision of policing and emergency services infrastructure, currently and in the future.

No 6: Comments relating to Draft Policy P 7 Chigwell

No 7: Comments relating to Draft Policy P 2 Loughton / Loughton Broadway

No 8: Comments relating to the proposed housing allocation site SR-0557, The Limes Estate,

No 9: Comments objecting to the loss of community assets / leisure / cultural facilities

No 10: Comments relating to the proposed housing allocation site SR-0361, Colebrook Lane / Jessel Drive  
Amenity Open Space Loughton

## **Appendix B: Summary of Responses from National Bodies, Town and Parish Councils and Local Planning Authorities**

The following provides a summary overview of the emerging key findings arising from the analysis undertaken to date of responses received from 'national bodies' (including Statutory Consultees), Town and Parish Councils, Local Planning Authorities and some 'local organisations'. It should be noted that analysis of all responses received is ongoing, and a further report will be provided to the Cabinet in due course once analysis has been completed. The following summary may be subject to change over time as further analysis is undertaken.

### **National Bodies**

The Council received written responses from a number of 'national bodies' in response to the Draft Local Plan consultation, including:

1. Sport England
2. Theatres Trust
3. Transport for London
4. United Karate Association
5. British Gymnastics
6. Historic England
7. National Grid
8. Canal River Trust
9. Natural England
10. The London Green Belt Council /Campaign to Protect Rural England
11. Environment Agency
12. Home Builders Federation
13. Forestry Commission
14. Highways England
15. Royal Mail
16. Anglian Water
17. Thames Water

1. **Sport England** has raised an objection and advised that they consider that the Council's current evidence base for sport is not robust and is out of date for informing sports facility needs for the period of the Plan. They have also advised that the tools and guidance available for collecting data and undertaking assessments and strategies with respect to indoor and outdoor sports facilities has advanced. The approach to making provision for open space including outdoor sports facilities in new development should not be focused around meeting conventional quantity standards in order to be consistent with the current guidance the approach should be focused around identifying sport specific needs and developing specific proposals to respond to such needs. The Council should prepare an up to date sports facility strategy including indoor and outdoor sports facilities.

2. **The Theatre's Trust** is in general agreement with the policies and allocations set out in the Draft Local Plan. The Trust made some suggestions on the inclusion of social and cultural well-being in the Draft Vision and Objectives and to Policy D4.

3. **Transport for London** submitted two responses, one from TfL Planning and one from TfL Property. TfL Planning's response is generally supportive of policies and allocations set out in the Draft Local Plan, in particular the vision for the London Stansted Cambridge

Corridor Core Area and the commitment to protect land for transport schemes. Of importance, TfL state that they do not believe that Central Line capacity should act as a deterrent to planned growth in the Draft Local Plan. There are some station capacity improvements which will require financial contributions from developers. On parking, TfL has requested that all applications affecting car parking capacity in the vicinity of the Central Line will need to consult with them and that they support a restraint based approach to car parking in the London Plan. TfL Property's response is generally supportive of the draft policies and proposed allocations set out in the Draft Local Plan. TfL Property support the principal objectives and approach to new housing in the Draft Local Plan and welcome the allocation of TfL's sites as proposed residential sites.

4. The **United Karate Association** submitted seven responses from individual members to the Draft Local Plan consultation. All of the responses stated that the Association supports improved provision of Karate facilities in the district.

5. **The British Gymnastics Association** would like to see current gymnastics provision in Epping Forest District retained. British Gymnastics would like to stay involved in the progress of the Draft Local Plan in relation to gymnastics provision especially if a new facility is needed.

6. **Historic England** is generally supportive of the policies and allocations set out in the Draft Local Plan. Historic England's response suggests that a strategic policy on the historic environment should be included in the Pre-Submission Local Plan, and advises against the inclusion of a policy on enabling development. Site-specific notes were also included and the potential impact on heritage assets in relation to the four strategic sites around Harlow was raised. It should be noted that all of these heritage assets lie outside of the site boundaries of these sites.

7. **National Grid** is generally supportive of the policies and allocations set out in the Draft Local Plan. The response drew attention to the limitations to building on or around National Grid high pressure and immediate pressure pipelines and electricity transmission overhead lines; and set out what gas transmission pipelines and gas distribution apparatus are in the district.

8. The **Canal and River Trust** is generally supportive of the policies and allocations set out in the Draft Local Plan. The Trust raised that housing authorities have a requirement to consider the needs for residential boaters and associated moorings, and that the Trust are keen to work with the Council in providing for these and also for leisure/recreational users of canal boats. The trust makes some suggestions to policies to reflect these aims. The Trust's comments centre on ensuring that the nature and management of canals are protected by the Draft Local Plan, in particular the inclusion of a section that encourages developers to seek pre-application advice from the Trust.

9. **Natural England** is generally supportive of the policies and allocations set out in the Draft Local Plan, noting the Council's protection of the Epping Forest Special Area of Conservation and the Lee Valley Regional Park. Natural England has asked that the Draft Memorandum of Understanding agreed by the Cooperation for Sustainable Development Board would need to be complete before the Plan could be found fully sound. They have also suggested some policy wording changes and encouraged EFDC to consult with them in the development of the Sustainability Appraisal. They have advised that more detail is needed on the impact of allocations on Sites of Special Scientific Interest and in particular the Latton Priory strategic site; and that the Draft Local Plan should safeguard the long-term capability of agricultural land in line with the National Planning Policy Framework. Since the end of the consultation period officers have met with Natural England. In addition to the

comments made in response to the Draft Local Plan in a recent meeting with officers, Natural England have stated that they would require additional information on the impact of proposed growth in the District on recreational pressure in the Forest.

10. The responses from **Campaign for Rural England Essex** and the **London Green Belt Council** both raise a general objection to the draft policies and proposed allocations in the Draft Local Plan. The organisations consider that the Draft Local Plan is inconsistent with the National Planning Policy Framework, and in particular that the use of housing need to justify the altering of Green Belt boundaries goes against national policy and statements made by Government. Objections were also raised in relation to the proposed use of the District Open Land designation and the lack of information on infrastructure.

11. **The Environment Agency** response outlines a number of priorities that should be addressed in relation to the Draft Local Plan and gives site-specific feedback and policy wording suggestions. Of most importance, the Environment Agency consider that the Council will need to demonstrate sufficient capacity of the sewage network to support the proposed allocations and suggest there should be a Water Cycle Study or alternatively the provision of confirmation from the sewage provider about capacity. This is important so that if there are any adverse impacts work can be undertaken to confirm mitigation measures in line with the Water Directive Framework. The Environment Agency also identified the need for a Level 2 Strategic Flood Risk Assessment if the Council continue their current allocation of sites partially within Flood Zones 2, 3a and 3b. The East of Harlow strategic allocation is particularly highlighted in this regard. Officers intend to meet with the Environment Agency to discuss this matter as all the proposed development in the Draft Local Plan is located within Flood Zone 1.

12. The **Home Builders Federation (HBF)** has raised a general objection to the draft policies and proposed allocations set out in the Draft Local Plan on the basis that the Council together with other authorities in the Housing Market Area is not meeting the full objectively assessed housing need.

13. The **Forestry Commission's** response outlined that it is not in a position to input into the consultation process for Local Plan, however lists published guidance that should be taken note of when assessing the appropriateness of sites for future development and encourages the use of trees in flood risk, locally sourced resources, carbon lean energy and delivering planning objectives such as green infrastructure.

14. **Highways England** response is generally supportive of the policies and allocations set out in the Draft Local Plan, stating particular support for the focus on public transport improvements and sustainability of transport systems in the Draft Plan. In relation to the strategic sites, Highways England identified that Latton Priory may impact upon the M11 Junction 7 and would require a Transport Assessment detailing mitigation measures. North Weald Bassett is also stated to require developers to provide a Transport Assessment with respect to the potential impact on M11 Junction 7. East of Harlow is also identified as having a potential impact on M11 Junction 7, but Highways England acknowledge the planned upgrades to the M11 including a new Junction 7a and improvements to Junction 7. The proposed allocations in Chigwell and Loughton are also identified as potentially impacting on M11 Junction 5, and HE request that developers should be asked provide Transport Assessments to address mitigation measures. Proposed allocations in Waltham Abbey similarly are identified as potentially impacting on M25 Junctions 25 and 26.

15. **Royal Mail** is generally supportive of the policies and allocations set out in the Draft Local Plan. Royal Mail raise two key points in relation to the Draft Local Plan: housing growth and future postal provision, and the protection of existing employment sites. The

estimated increases in postal rounds is outlined, with Royal Mail indicating that sites may need allocating for additional delivery offices. Royal Mail stated particular support for Policy E 1 and made some minor suggestions to protect employment use on existing sites.

16. **Anglian Water** is generally supportive of the policies and allocations set out in the Draft Local Plan and is supportive of the inclusion and promotion of Sustainable Drainage Systems in the Plan.

17. **Thames Water** is generally supportive of the policies and allocations set out in the Draft Local Plan and they have provided site-specific comments relating to water supply and drainage. Thames Water suggested the contacting of developers as early as possible to discuss the implications of their sites in relation to the water network. Areas highlighted as having low capacity were Loughton/Chigwell and North Weald Bassett.

### **Town and Parish Councils**

The Council received seventeen written responses from Parish and Town Councils in response to the Draft Local Plan consultation:

1. Nazeing Parish Council
2. Theydon Bois Parish Council
3. Loughton Town Council
4. Epping Town Council and North Weald Bassett Parish Council – Joint Response
5. Buckhurst Hill Parish Council
6. Waltham Abbey Town Council
7. Epping Town Council
8. Theydon Mount Parish Council
9. Moreton, Bobbingworth and the Lavers Parish Council
10. Sheering Parish Council
11. Roydon Parish Council
12. Stanford Rivers Parish Council
13. Ongar Town Council
14. Epping Upland Parish Council
15. Chigwell Parish Council
16. Fyfield Parish Council
17. North Weald Bassett Parish Council

#### **1. Nazeing Parish Council**

The main points raised are:

- Nazeing Parish Council support the principles included in the Draft Vision and Objectives of the Draft Local Plan.
- The nature of future employment sites should reflect rural nature of the Parish.
- There should be no further expansion of traveller sites in Nazeing and Roydon, where the majority of the district's traveller sites are already located.

#### **2. Theydon Bois Parish Council**

The main points raised are:

- The Draft Local Plan presents an unsustainable approach to development in Epping Forest District. The Parish Council have strong objections around the allocated sites and the building on of Green Belt land.
- Theydon Bois Parish Council disagree with the Green Belt boundary amendment for Theydon Bois included in the Draft Local Plan, and believe that if it were changed it would no longer represent a defensible boundary.
- There is no detailed evidence at the settlement level to justify the release of Green Belt land at Theydon Bois. The allocations for Theydon Bois are not centred around the existing urban area which poses a challenge to maintaining the character of the village. The railway line will make it very difficult for development to relate to the existing village.
- There is a lack of information on infrastructure in the Draft Local Plan.
- The Draft Local Plan does not go into enough detail in its Green Belt policies.

### **3. Loughton Town Council**

The main points raised are:

- Loughton Town Council support the principles included in the Draft Vision and Objectives of the Draft Local Plan but this is paired with significant objection to the allocations in Loughton.
- The Draft Local Plan is not perceived to reflect the Issues and Options consultation feedback especially in relation to the topics of green spaces and urban intensification.
- The two key issues for Loughton Town Council are the approach to urban intensification and the inadequate provision and the lack of information regarding infrastructure in the Plan.
- Sites SR-0356, SR-0358, SR-0361 are opposed due to the impact that development of these spaces would have on the community. Loughton Town Council believe that the allocations conflict with the Draft Local Plan policies.
- EFDC should prepare a CIL charging schedule.
- The Central Line is under immense pressure already and development proposals will worsen this.
- Loughton Town Council stated their support for a new garden settlement, potentially in the form of the Roding Village proposals.

### **4. Epping Town Council and North Weald Bassett Parish Council's Joint Response**

This was a joint response submitted to the Council alongside individual responses by Epping Town Council and North Weald Bassett Parish Council. The main points raised are:

- The spatial strategy put forward in the Draft Local Plan does not represent proportionate distribution between settlements as put forward in the Issues and Options 2012 consultation and favoured by residents.
- This has led to a disproportionate distribution pattern focusing on allocations in Epping town and North Weald village. The population increases that will result from this pattern of growth are of concern to both Epping Town Council and North Weald Bassett Parish Council.

## **5. Buckhurst Hill Parish Council**

The main points raised are:

- Buckhurst Hill Parish Council support the principles included in the Draft Vision and Objectives of the Draft Local Plan, however the magnitude of development and the impacts for some settlements are not supported.
- The Parish Council raised concern over the relocation of the Princess Alexandra Hospital and stated that the new location would need to be easily accessible by public transport.
- The employment policies in the Draft Local Plan are supported however there is widespread concern over the loss of retail space to residential uses.
- The number of homes proposed for Buckhurst Hill is too high, the figure for 53 homes put forward in the Issues and Options consultation is more achievable and realistic. Some of the specific site allocations are unsuitable for Buckhurst Hill.
- There is a lack of information on infrastructure in the Draft Local Plan. The current infrastructure is at capacity and there is a lack of public transport alternatives to the Central Line in the district. Development should not be able to progress without infrastructure being guaranteed.

## **6. Waltham Abbey Town Council**

The main points raised are:

- Waltham Abbey Town Council support the principles included in the Draft Vision and Objectives of the Draft Local Plan and the spatial strategy in general. However, some sites are too large and the Council has a preference for smaller sites.
- Concern was expressed in relation to the proposed change in the primary shopping area boundary for Waltham Abbey. The Town Council do not agree with the designation of the retail area as a small district centre and the exclusion of Tesco and Lidl in the proposed new boundary amendment, as these are two of the main retail attractions in the Town.
- There is not enough information on employment and infrastructure in the Draft Local Plan.
- The approach to widen the visitor economy is supported.

## **7. Epping Town Council**

The main points raised are:

- The proposed housing allocation for Epping has increased since the Issues and Options consultation in 2012.
- The level of development poses a threat to the character of Epping. Its current physical layout will not cope with the amount of new houses proposed and there will be significant impacts on traffic congestion and parking.
- The Town Council considers development can only be sustainable if infrastructure is in place and this should be in place before new residents move in. The requirements for each site regardless of size should be set out clearly in the Draft Local Plan.

- The Town Council support the protection of bungalows and town centre retail space through the Draft Local Plan.

## **8. Theydon Mount Parish Council**

The main points raised are:

- Theydon Mount Parish Council raised concern over the relocation of community facilities on traffic congestion and the accessibility to residents.
- Public transport is a key issue in the district and needs to be supported in the Draft Local Plan. The Parish Council support the Epping-Ongar railway extension.

## **9. Moreton, Bobbingworth and the Lavers Parish Council**

The main points raised are:

- There is a lack of information on infrastructure in the Draft Local Plan. Key issues that need to be addressed are the impact of Heavy Goods Vehicles on rural roads and the decline of rural bus services.
- Support for the flood risk policies included in the Draft Local Plan.

## **10. Sheering Parish Council**

The main points raised are:

- Sheering Parish Council agree with Draft Vision and Objectives in the Draft Local Plan, however raise concern over the Green Belt boundary amendments in Sheering.
- Local employment and retail provision should be further protected in the Draft Local Plan policies.
- The Parish Council raised objection with the Harlow strategic sites due to the magnitude of the impact on Sheering, and felt that development would lead to Sheering merging with Harlow.
- There is a lack of information on infrastructure. There is a current deficit in infrastructure provision in Sheering.

## **11. Roydon Parish Council**

The main points raised are:

- The Parish Council stated support for development focused around the M11 and the LSCC corridor.
- Concern was raised over the volume of development in Harlow due to the possibility of merging with some settlements within Roydon Parish, and potential impacts on the character of settlements.
- The Parish Council object to the release of Green Belt land at Roydon.
- There are too many Traveller sites in the Roydon Parish.
- The impact of HGVs on rural roads is a key issue that the Draft Local Plan must address.

## **12. Stanford River Parish Council**

The main points raised are:

- There is a lack of information on infrastructure in the Draft Local Plan. Key issues that need to be addressed are the impact of Heavy Goods Vehicles on rural roads and the decline of rural bus services.
- Support for the flood risk policies included in the Draft Local Plan.

## **13. Ongar Town Council**

The main points raised are:

- There is a lack of Green Belt policies in the Draft Local Plan.
- Ongar Town Council stated a preference for smaller allocated sites.
- There is a lack of information on infrastructure in the Draft Local Plan. The existing infrastructure is already at or over capacity.
- The Town Council raised concern over the provision of public transport in rural areas, in light of the declining bus services.
- The overall scale of housing is considered to be too high across the district.

## **14. Epping Upland Parish Council**

The main points raised are:

- The Draft Local Plan must ensure that the landscape ridges in Epping Upland are protected from negative impacts of the proposed development.
- Not enough attention has been given to potential brownfield sites to meet the district's housing requirement.
- There is a lack of information on infrastructure and employment in the Draft Local Plan.
- A key issue facing the district is pollution from traffic congestion, and EFDC need to address this in the context of future development.

## **15. Chigwell Parish Council**

The main points raised are:

- The Parish Council disagrees with the proposed Limes Farm site allocation due to its impact on a Grade 2 Listed Building and the resultant loss of urban open space. The loss of open space goes against Draft Local Plan policies that should be designed to protect green spaces in the district.
- The options for development in the Chigwell Neighbourhood Plan are preferred by the residents of Chigwell rather than those set out in the Draft Local Plan.
- The impact on transport networks in the District has not been adequately considered in the Draft Local Plan.

## **16. Fyfield Parish Council**

The main points raised are:

- The amount of affordable housing in the area fails to address the difficulties of young people and families to buy a house in the district.
- There is a lack of material assurances for infrastructure provision in the Draft Local Plan.

### **17. North Weald Bassett Parish Council**

The main points raised are:

- The strategy of proportionate distribution allowing for constraints has not followed and the Parish Council disagree with the spatial strategy in the Draft Local Plan.
- The feedback to the Issues and Options consultation has not been represented in the Draft Local Plan.
- Housing densities should be increased to enable the reduction in the number of sites allocated and in consequence Green Belt land removed.
- The Parish Council stated support for the North Weald Masterplan.
- High quality agricultural land should not be built on in line with the requirements of the NPPF.
- There is a weighted focus on North Weald Bassett in all of the options put forward in the Sustainability Appraisal.
- The Parish Council strongly support the retention of aviation uses and the promotion of leisure uses at North Weald Airfield.
- The overall scale of housing is considered to be too high across the district, especially at North Weald Bassett.

### **Local Planning Authorities**

The Council received sixteen written responses from Local Planning Authorities in response to the Draft Local Plan consultation:

1. Braintree District Council
2. City of London – Conservators of Epping Forest
3. Harlow District Council
4. London Borough of Newham
5. Uttlesford District Council
6. Mayor of London
7. Broxbourne Borough Council
8. Lee Valley Regional Park Authority
9. Brentwood Borough Council
10. Chelmsford City Council
11. London Borough of Waltham Forest
12. Basildon Borough Council
13. London Borough of Redbridge
14. East Herts Council
15. Hertfordshire County Council
16. Essex County Council

#### **1. Braintree District Council**

Braintree District Council had no comments for the Draft Local Plan at this stage.

## **2. City of London – Conservators of Epping Forest**

The Conservators of Epping Forest encourage a consistent approach to Sites of Special Scientific Interest (SSSI's) and the Epping Forest Special Area of Conservation (SAC). The response recommends that the vision should be expanded to include the wider environment and elements of green infrastructure. The Conservators have developed a vision for Epping Forest which they recommend should be included in the Draft Local Plan, along with specific reference to the vision for a Green Arc – the response highlights that the Infrastructure Delivery Plan does not currently map out the Green Arc or green infrastructure ambitions for the district. The Conservators state support for policies DM 3 and DM 4 however had some wording suggestions. The Conservators are concerned that the Plan is disproportionately led by housing targets. Disagreement was raised to the spatial strategy on the basis that smaller sites distributed across the district do not allow for integrated and large scale infrastructure provision; and that one Green Belt boundary amendment allowing for a large settlement would be preferable to multiple boundary amendments that may lead to further weakening of the Green Belt. The response notes the need for a further iteration of the IDP, work on transport modelling and a full recreational use survey for the Forest. In relation to the strategic sites, the response notes that the Latton Priory site would require green space to the south to protect the setting of the Forest. The Conservators also note that the provision or loss of open space would need to account for impacts on the Forest. Finally, when discussing the Habitats Regulation Assessment the response raises issues around fly tipping, the 400m buffer around the Forest, the impact of recreational uses, and the current impact threshold of 400 houses being too high. The importance of the MoU process is highlighted in relation to the HRA.

## **3. Harlow District Council**

Harlow Council submitted two responses to the consultation. The first response, submitted by Councillor Danny Purton, the Portfolio Holder for Environment, indicates that the Council objects to development to the west and south of Harlow (located in Epping Forest District) unless or until such time as it has been demonstrated that transportation and infrastructure requirements can be delivered at a rate and scale necessary to meet the needs of the Harlow urban area that arise from any such proposed development. The response also expresses concerns that the Draft Local Plan is silent on ways to assist Harlow Council meet its affordable housing need. A further response was also received from Officers which provides support for the collaborative working being undertaken by the Council in accordance with the Duty to Cooperate, but reiterated concerns in relation to ensuring that the transport and infrastructure requirements for Harlow arising from growth proposed can be met.

## **4. London Borough of Newham**

LB Newham is generally supportive of the policies and allocations set out in the Draft Local Plan. The response is focused on the Debden House Centre and Debden House Campsite site, which the Borough owns. The Borough would like to promote residential development on part of the site, which is currently in the Green Belt. The response is supportive of the Council's approach to the visitor economy, promoting recreational activities in the district and the natural environment. The response raises objection to Policy SP 5 on the Green Belt as it lacks clarity on how the Council will consider development proposals that present exceptions to inappropriate development in the Green Belt.

## **5. Uttlesford District Council**

Uttlesford District Council is generally supportive of the draft policies and proposed allocations in the Draft Local Plan and in particular the Council's approach to meet the housing need identified through the joint Strategic Housing Market Assessment. It notes that the SHMA authorities will, however, need to carefully consider the implications of the 2014 projections. Uttlesford note that the proposed allocation of sites around Harlow reflects the outcomes of the strategic sites assessment work undertaken jointly by the SHMA authorities.

## **6. Mayor of London**

The Mayor of London is generally supportive of the policies and allocations set out in the Draft Local Plan. The response supports the approach to strategic collaboration within the LSCC corridor and nearby Local Planning Authorities, and the approach to housing need in the HMA. The response recommends that the Council may wish to reassure itself that it is addressing housing need in accordance with NPPF requirements.

## **7. Broxbourne Borough Council**

Broxbourne Borough Council is generally supportive of the policies and allocations set out in the Draft Local Plan, in particular the settlement strategy of development focused around Harlow and larger town centres, and the aim to meet the full identified need for Travellers over the plan period. The Council seek further information on the impacts and mitigation to the transport network of future development.

## **8. Lee Valley Regional Park Authority**

The Lee Valley Regional Park (LVRP) Authority is generally supportive of the policies and allocations in the Draft Local Plan. The response welcomes the detail on the Park included in the Strategic Context chapter especially the reference to supporting the recreational aims of the Park. The Authority recommends a separate policy on the LVRP due to its importance as part of the district's green infrastructure network. The Authority support Policy SP 5 on the Green Belt; however only agree with the boundary amendments made to reflect planning decisions over the past 20 years. The response does not agree with the other Green Belt boundary amendments or the new designation of 'District Open Land' within the Plan. In particular, the removal of land that is not designated for development at Waltham Abbey and the land that contributes to the landscape of the LVRP at Nazeing. The Authority raises a concern over whether the Lea Valley Glasshouse Industry report had been used to support Policy E 3; and recommended that Policy E 4 made specific reference to the Lee Valley White Water Centre. The Authority does not agree with the sequential approach to Traveller site accommodation used in the Draft Local Plan as it is not considered to comply with Government guidance (Planning Policy for Traveller Sites, August 2015) and puts pressure on Green Belt temporary Traveller sites in the LVRP. The response supports the policies on biodiversity and green infrastructure in the Draft Local Plan, however recommends that reference to the Lea Catchment Nature Improvement Area be included. More detailed text on the relationship between the settlements and the LVRP in the Places chapter is also recommended. Finally, the Authority express their wish to continue to promote the two sites they put forward in the Call for Sites for consideration for residential development.

## **9. Brentwood Borough Council**

Brentwood Borough Council is generally supportive of the policies and allocations set out in the Draft Local Plan, in particular the strategic objectives and vision and the aim to meet the

full identified need for Travellers over the plan period. Brentwood Council raise concerns over the status of the Memorandum of Understanding to agree the 51,100 requirement and the lack of information on how the shortfall will be met from the OAN figure based on 2014 projections.

#### **10. Chelmsford City Council**

The response is generally supportive of the policies and allocations set out in the Draft Local Plan. Chelmsford Council has raised concerns over how the full objectively assessed housing need will be met and that due attention needs to be paid to the 2014 housing projections. There is also concern about pressure on the highway network and in particular on the A414 as a result of the proposed development.

#### **11. London Borough of Waltham Forest**

LB Waltham Forest is generally supportive of the policies and allocations set out in the Draft Local Plan, in particular the Council's attempt to meet the OAN. Waltham Forest consider that the affordable housing policy should be strengthened to include an expectation for on-site provision.

#### **12. Basildon Borough Council**

Basildon Borough Council is generally supportive of the policies and allocations set out in the Draft Local Plan and supports the approach taken to identifying the objectively assessed housing need for the District. Concern is however raised over the decision by the Strategic Housing Market Area not to meet the projected housing needs as identified in the 2014 projections in full due to the pressure that might result on other South Essex authorities. This is of concern as the South Essex Housing Market Area growth is unlikely to be able to be accommodated in full. The Council seek assurance that the West Essex and East Hertfordshire authorities identify how this unmet need will be addressed. Support is given to the approach towards employment need and Gypsy and Traveller accommodation. Basildon Borough Council raised queries in relation to the site selection process.

#### **13. London Borough of Redbridge**

LB Redbridge is generally supportive of the policies and allocations set out in the Draft Local Plan in particular the vision and policies for Epping and Chigwell, and EFDC's hierarchical approach to the delivery of strategic sites. The Council appreciate that further work will be undertaken in relation to specifying the infrastructure required to support the Draft Local Plan.

#### **14. East Hertfordshire District Council**

East Hertfordshire District Council is generally supportive of the approach in the Draft Local Plan and in particular the way in which the Council has reviewed the Green Belt to identify potential land for development and the commitment shown to joint working across the Housing Market Area. East Herts appreciate that further work will be undertaken to assess the deliverability of the proposed sites.

#### **15. Hertfordshire County Council**

The response received was from the Children's Services department of Hertfordshire County Council. Hertfordshire County Council outlined that the draft Local Plan needs to ensure that sufficient school places are being provided, and that there is some crossover between

children attending school in Epping Forest District and Herts County. Both Waltham Abbey and Lower Sheering/Sheering were highlighted as areas where the County Council's will need to work together to ensure that the correct number of school places are provided.

## **16. Essex County Council**

Essex County Council is generally supportive of the draft policies and proposed allocations set out in the Draft Local Plan. The County support the continuation of the Duty to Co-operate practices and state they will continue to support the Council in the development of the Infrastructure Delivery Plan and consider that it is important for the full range of infrastructure requirements arising from growth to be included. Some amendments to flood risk, drainage and surface water management policies are suggested along with some strengthening of the evidence base. An additional policy on healthy communities is suggested.

### **Local Organisations**

The Council has received responses from a variety of local organisations. The summaries provided only represent a selection of the responses received from local organisations. The bulk of responses are still being reviewed and will be included in a further detailed report on the Regulation 18 consultation. The responses covered here are:

1. Buckhurst Hill Village Forum
2. The Epping Society
3. Loughton Residents Association
4. Chigwell Resident Association
5. The Roydon Society
6. Theydon Bois Action Group
7. Friends of Epping Forest
8. North Weald Bassett Preservation Society
9. Lea Valley Growers Association
10. Lea Valley Food Task Force
11. Broadway Town Centre Partnership
12. Theydon Bois and District Rural Preservation Society
13. Abbess Roding Conservation Society
14. Buckhurst Hill Residents Society
15. Waltham Abbey Community Association

#### **1. Buckhurst Hill Village Forum**

The main points raised include:

- The Village Forum commented on the site allocations in Buckhurst Hill. In regards to SR-0225 Queens Road Car Park, the Forum highlighted the importance of the current car park to small businesses in Queens Road. Concern was expressed over whether the parking spaces would be retained as well as providing parking for new residents, the impact of construction and heightened traffic congestion in the area.
- In regards to SR-0813 Lower Queens Road, the Forum stated that the current businesses have not been informed of the plans to allocate the site, and raise concerns that development here could be disruptive and damaging to retail provision in the area.
- The Forum would like both sites removed from the Plan.

- There is a lack of information on infrastructure in the Draft Local Plan.

## **2. The Epping Society**

The main points raised include:

- The Epping Society disagree with the Draft Local Plan's intention to build on the Green Belt. The review that these allocations are based on was undertaken with the premise of releasing land for building sites.
- The Green Belt is a successful UK environmental policy and should not be approached casually.
- There is a lack of information on infrastructure in the Draft Local Plan, specifically it is missing the location/funding/phasing of future infrastructure to support allocations.
- The Society feel that there was not an objective decision process on site allocations. Some sites have been allocated despite identifying negative elements in the Arup report, and for some the housing density has been changed from that recommended in the report.
- Further consultation must take place on any additional sites or changes to the Green Belt.
- The focus for future housing should be on increasing the density of existing communities and the housing density of individual sites.

## **3. Loughton Residents Association**

The main points raised include:

- The Loughton Residents Association has raised a strong objection to the Draft Local Plan. The Association is concerned that the Draft Local Plan does not reflect the outcomes of the Issues and Options 2012 consultation; that the policies are in contrast to the stated Draft Vision and Objectives and that genuine alternatives to the current housing distribution have not been explored. Specifically, the justification for not considering a new village development or greater densification around Harlow is considered to be insufficient.
- The Regulation 18 consultation has been inadequate.
- The definition of 'adequate' open space is not clearly defined in the Draft Local Plan.
- The Association stated support for Policy E 2 on local retail provision.
- Central Line capacity cannot be expanded which makes any future development in Loughton unsustainable.
- The Association strongly disagree with the proposals for Loughton based on issues such as the impact on parking and the building on of valuable open spaces that aid the quality of life and health and wellbeing of residents.
- Jessel Green and Westall Road Amenity Green Space should both be designated as Local Green Space.
- The Association query whether the Council is committed to delivering the necessary infrastructure needed to support housing allocations. The existing infrastructure in Loughton is already under strain.

## **4. Chigwell Residents Association**

The main points raised in the response from the Chairman include:

- Building should take place on the edges of Chigwell where there will be less visual impact. Sites located in the central area will worsen current congestion and sites toward Redbridge could cause the merging of settlements.
- The Chairman does not agree with the allocations for Chigwell, and outlined how he strongly opposed the sites SR-0478 and SR-0588 due to impacts on traffic congestion and the loss of open space. SR-0557 would lead to the merging of communities and would negatively impact on environment.
- Support was stated for SR-0601, SR-0894, SR-0895, SR0896 and SR-0898.
- Residents support the Chigwell Neighbourhood Plan which has proposed alternatives for development.

## **5. The Roydon Society**

The main points raised include:

- There is a lack of information on infrastructure in the Draft Local Plan.
- The Society raised concerns over the allocations for Roydon Parish in terms of the provision of infrastructure.
- Landscaping should be a priority for the area separating the village of Roydon with proposed major development around Harlow.
- The B181 is a busy rural road and the impact of the West Sumners site will need to be considered.
- If other areas reject their housing allocations it should not fall to Roydon and Harlow to expand their already large allocation.
- There is an overconcentration of Gypsy and Traveller sites in Roydon Parish.
- The Society would support development on the Old Coal Yard site.

## **6. Theydon Bois Action Group**

The main points raised include:

- The number of homes needed in the district is based on out-migration from London not to provide for natural growth of the existing residents. Developers should be required to build on London brownfield sites first before looking to the district to house London's population.
- The Draft Local Plan does not justify exceptional circumstances to amend the green belt boundary.
- There is no justification for the 23% increase in size of Theydon Bois and this is not sustainable due to the strain on the village's infrastructure. Development should be focused on towns.
- The Action Group disagree with the loss of Green Belt land for development of Harlow and the Garden Town designation.
- Employment sites should be focused on the towns and large settlements.
- Policy SP 5 is not strong enough and only repeats the NPPF.
- Theydon Bois Action Group disagree with all site allocations in the Green belt at Theydon Bois due to there being a lack of permanent boundary features and the resulting impact on the landscape/openness of the Green Belt.

## **7. Friends of Epping Forest**

The main points raised include:

- Friends of Epping Forest support the Draft Vision and Objectives, however feel that the text could be strengthened by referencing nature conservation and green spaces.
- The projected housing need of an 11,400 increase is significant and may impact the forest through pollution from congestion, pressure on car parking and increased visitor pressure. The current buffer zone that surrounds the Forest should remain undeveloped.
- Policy E 4 on the visitor economy should include an appreciation of the finite capacity of both Epping Forest and the Lee Valley Regional Park.
- Friends of Epping Forest agreed with the Draft Local Plan policies on landscape character, the Epping Forest SAC/Lee Valley SPA, green infrastructure, open space, place shaping and the natural environment
- There is a lack of information on infrastructure in the Draft Local Plan, the Council have limited control over the delivery of infrastructure.
- More parking should be provided and parking spaces should not be lost.
- Loss of Green Belt should be resisted especially when it breaches the existing village boundary, all brownfield sites should be used first.

### **8. North Weald Bassett and District Preservation Society**

The main points raised include:

- The consultation questionnaire was inadequate and the maps contained within the Plan were not of a good quality.
- North Weald is receiving 23% of planned growth which will change it from a village to a small town.
- There is a lack of information on infrastructure in the Draft Local Plan.
- The sites proposed for release from the Green Belt at North Weald Bassett all perform highly against the purposes of the Green Belt in the Green Belt Assessment and therefore should not be proposed for development.
- Concern was raised over the impact of development on flooding and drainage in North Weald Bassett.

### **9. Lea Valley Growers Association**

The main points raised include:

- The Lea Valley Growers Association support the Draft Vision and Objectives' reference to the glasshouse horticultural industry
- The Association will look to the Council to prevent the loss of glasshouse sites to residential uses or the surrounding of glasshouse sites by homes that may prevent them from functioning.
- A number of comments were made to Policy E 3 on the glasshouse industry, focusing on: enabling the expansion of the glasshouse horticultural industry; adding low carbon energy generation to the facilities permitted to be built on glasshouse sites; the removal of 'openness' as a criteria against development; support for a criteria based approach that allows for development outside horticultural development areas; and the provision of workers accommodation on site.
- Multiple glasshouse sites that are not currently in use are put forward for alternative uses. Site SR-0151 is promoted as a new employment site in the response.

### **10. Lea Valley Food Task Force**

The main points raised include:

- The glasshouse industry appreciated the need to develop a long term plan on the location of glasshouse industry sites that covers what approach will be used to determining alternative uses for existing sites that are no longer financially viable.
- New/alternative sources of energy supply are crucial to the future of the glasshouse industry.

### **11. Broadway Town Centre Partnership**

The main points raised include:

- New development in Loughton should not negatively impact existing retail provision.
- Langston Road and Debden Broadway are two interlinked areas. The Broadway Town Centre Partnership would support the extension of the town centre boundary to include both so they can be considered as a whole.

### **12. Theydon Bois and District Rural Preservation Society**

The main points raised include:

- The online questionnaire was inadequate for the purposes of the consultation and limited the response able to be given.
- The removal of small areas of the Green Belt in the Draft Local Plan undermines the integrity of the Green Belt. There is no justification of the exceptional circumstances needed for Green Belt release.
- Building on the Green Belt is not sustainable as encourages commuting into London from the district. The Draft Local Plan should only plan for the natural population change of the existing residents.
- The level of contingency included in the Draft Local Plan is way too high.
- The Society disagrees with the Draft Local Plan's spatial strategy to distribute housing across the settlements in the district. Instead, housing should be focused on towns where brownfield sites exist and around Harlow.
- There is no justification for the 23% increase in the size of Theydon Bois.
- Employment opportunities should be focused on sites where large allocations of houses have already been made.
- Allocations for Theydon Bois are on high quality Green Belt land with no exceptional circumstances demonstrated for their release. If developed, they will harm the existing character of the village.
- There is a lack of information on infrastructure in the plan, and the infrastructure in Theydon Bois is already under strain. The Society has concerns on healthcare provision, public transport, roads, school places, water supply and drainage and flooding.

### **13. Abbess Roding Conservation Society**

The main points raised include:

- Ongar leisure centre is a thriving business and should not be replaced by housing. It is important to the community.

### **14. Buckhurst Hill Residents Society**

The main points raised include:

- The Buckhurst Hill Residents Society object to the Draft Local Plan's inclusion of a site being a material consideration to planning applications.
- There is a lack of information on infrastructure in the Draft Local Plan and more detail must be included.
- The consultation was inadequate and has not given the residents a fair chance to comment on the plan.
- The Society disagree with the removal of the Green Belt at SR-0176 Powell Road and outline that the Council needs to communicate what will happen to the businesses that currently are located at SR-0813. The Society disagree with site SR-0225 on the basis that its development would worsen parking and traffic difficulties in Buckhurst Hill.

### **15. Waltham Abbey Community Association**

The main points raised include:

- There is a lack of information on infrastructure in the plan and provision cannot be guaranteed by Council. Infrastructure should be in place before development is built.
- The response raised concern over the development of Waltham Abbey Community Centre as it is a much used facility that is part of the community.
- Existing retail struggles to cope with out of town provision and the Draft Local Plan should address this.

## **Report to the Cabinet**

**Report reference:** C-067-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Leader of Council

**Subject:** Review of the Council's Accommodation

**Responsible Officer:** Glen Chipp (01992 564080)

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

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

(1) That the principle of retaining the Civic Offices headquarters location for the Council in Epping town centre be agreed (moving towards implementation of a modified option 4 of the Price Waterhouse Coopers report) based upon:

(a) the optimisation of space within the existing footprint of the main Civic Office building (without extension) to accommodate the majority of staff;

(b) the desire to achieve a workstation to staff ratio of no more than 7:10 through rationalisation of the layout in the building, flexible working by staff and agile business practices; and

(c) the phased vacation of the Condor Building, rear extension, 323 Building, link and associated car parks within 5 years with a medium term objective of making that part of the site available for residential and/or commercial use;

(2) That an early review be undertaken of the options for the future provision of the Housing Repairs Service beyond the final 3 years of the existing repairs contract;

(3) That the peak operational usage requirements of the Housing Repairs and the Neighbourhoods Depots be reviewed and:

(a) if possible, these two services should be located at the Oakwood Hill Depot; and

(b) the depot office space should be used to relocate staff there at a workstation to staff ratio of no more than 7:10;

(4) That a planning application be submitted for the provision of a temporary Housing Repairs Depot at and around the Control Tower at North Weald Airfield (including the first floor meeting room), at an estimated cost of £17,500, with capital budget provision made for its construction once the timescale for the required vacation of the Epping Depot is known, in order to minimise rental costs;

(5) That an assessment be undertaken to evaluate if there is a net requirement for office space for staff currently based at the Civic Offices and Hemnall Street offices that cannot, notwithstanding flexible and agile working practices, be accommodated in the revised layout of the Civic Offices and Oakwood Hill Depot;

**(6) That, if the evaluation concludes it is not possible to accommodate all staff at the Civic Offices and Hemnall Street at the reconfigured Civic Offices and Oakwood Hill Depot, a further report be considered by the Cabinet on the most appropriate way forward; and**

**(7) That the proposed redesign of the Council's current reception area be approved in principle to provide a centralised Customer Service Reception subject to:**

- (a) the later submission of a full design;**
- (b) a report on the capital budget provision required; and**
- (c) procurement of a contractor and project management for the scheme.**

### **Executive Summary:**

The Council wants to ensure that it provides services that are "fit for the 21<sup>st</sup> Century" and has launched a Transformation Programme to improve our working practices. The aim is to put the customer at the heart of everything we do and use modern technology to enable flexible working.

Price Waterhouse Coopers (PwC) were commissioned to set out a Strategic Outline Case for optimising the use of Council owned land and buildings in order to realise ongoing running cost efficiencies. Changing the way we work is central to the strategy, and the Customer Contact Review conducted internally has identified opportunities to standardise, simplify and centralise customer service contacts.

This report sets out recommendations to optimise the use of office space, releasing much needed brownfield land which will help reduce the housing pressure on valued green belt. Reconfiguring the Civic Offices in Epping will allow the site currently occupied by the Condor Building to be redeveloped over a five year period. Options for relocating the Housing Repairs Service are also considered in the report and further work is recommended to prepare detailed business cases setting out the optimum configuration and location for an overspill office.

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

To optimise the use of Council land and buildings generating cost savings and to improve our customer experience of accessing services.

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

To continue to occupy and pay for more space than is required by current and future headcount. This option was discounted on the basis that it would not be good use of public funds.

### **Report:**

1. The Cabinet has commissioned Price Waterhouse Coopers (PwC) to prepare a report under the Transformation Programme exploring options to:

- maximise the beneficial use of the Council's land and buildings;
- provide a catalyst for transformational change in working practices; and
- improve accommodation provision whilst realising ongoing running cost efficiencies.

2. The review considers both the future of the Civic Offices site and alternative sites for a new office headquarters.

3. The overall objective has been to develop a Strategic Outline Case (SOC) that enables the Council to make a clear decision on whether to progress with detailed feasibility work and the development of a business case.

Future Requirements

4. The Council is currently occupying and paying for more space than it needs to accommodate the current and future headcount.

5. The SOC developed in the PwC report made the following assumptions:

- current levels of staff (approximately 500 people) will need to be accommodated;
- an 8:10 work station to staff ratio is considered achievable based on current flexibility in the workforce and is built into the financial evaluations below;
- reductions in staff numbers or improvements in the workstation to staff ratio will reduce costs and improve savings against the base case; and
- North Weald Airfield offers a potential site for a new HQ office.

Options Considered

6. Four main options have been identified and appraised against the existing office utilisation as a base case:

- a) Option 1 Do minimum (no development in Epping);
- b) Option 2 Full relocation to a new Council HQ;
- c) Option 3a Part relocation of the Council HQ (retaining a presence at the Civic Offices site);
- d) Option 3b Part relocation of the Council HQ (with a presence in Epping town centre); and
- e) Option 4 Optimise use of the Civic Building and new Housing Hub.

7. Two main development schemes have been considered for the options that vacate the whole Civic Offices site, one predominantly residential and a second incorporating a hotel.

8. These development schemes were evaluated at densities that maximise site value and minimise the need for development in the surrounding green belt. The assumptions used would need to be tested before progressing any scheme to outline planning consent.

9. All options were evaluated and ranked both on financial savings against the base case and a qualitative weighted score against the Council’s strategic objectives:

- focus on customer service (improved customer satisfaction);
- enabling transformation and cultural change (involving new and agile ways of working);
- enabling closer collaboration and shared services with partners;
- supporting economic development and the Local Plan; and
- deliverability (in terms of planning, commercial and viability matters).

10. The table below sets out the results of the financial evaluation and the fit with strategic objectives for each option.

|  |        |          |        |        |          |
|--|--------|----------|--------|--------|----------|
|  | Option | Option 2 | Option | Option | Option 4 |
|--|--------|----------|--------|--------|----------|

|  | 1        |            | 3a       | 3b        |           |
|--|----------|------------|----------|-----------|-----------|
| Savings vs base case                   | £81,688  | (£372,724) | £14,839  | (£30,766) | (£46,492) |
| Financial Appraisal Ranking -          | <b>5</b> | <b>1</b>   | <b>4</b> | <b>3</b>  | <b>2</b>  |
| Weighted score vs Strategic Objectives | 2.65     | 3.25       | 4.60     | 3.90      | 2.40      |
| Strategic Fit Ranking                  | <b>4</b> | <b>3</b>   | <b>1</b> | <b>2</b>  | <b>5</b>  |

( ) Saving

### Conclusions of the PwC Report

11. Overall the residual land value of the Civic Offices site is slightly lower than required to fund a new build office capable of accommodating 500 staff at an 8:10 ratio.

12. **All** core options demonstrate the potential to be financially viable. Option 2 demonstrates the highest potential ongoing annual savings.

13. A hotel and residential redevelopment mix suggests slightly better return but the market for hotel use is untested and therefore higher risk.

14. Additional financial benefit could be realised if the Council were to act as developer / investor generating an income stream from the site rather than a capital disposal. These benefits could be further enhanced by interest-only borrowing.

15. Option 3(a) scores highest against the council's strategic objectives.

16. Option 4 could not accommodate the required number of staff at an 8:10 ratio across the Civic Building and the proposed new Housing Hub. However, if a ratio of between 7:10 and 6:10 were adopted, this could be possible and would deliver a higher saving against the base case.

17. The land value of the current headquarters site is such that the Council is in the fortunate position of being able to deliver its transformation objectives and release land for housing development to relieve the pressure on greenbelt whilst making ongoing savings against the current scenario.

### The Way Forward for the Civic Offices

18. Option 1 - Doing nothing was quickly discounted as an option as it had the worst financial outcome and ranked poorly against the Council's strategic objectives.

19. Option 2 had the attraction of potentially generating the highest savings against the current scenario but there are considerable risks:

- planning constraints in the Epping Town Conservation Area;
- negative impact on the town economy caused by relocating the largest employer;
- maximum disruption of services and impact on customer facing activities; and
- use of public funds to build a new HQ to house / relocate the status quo, even on a smaller footprint, given likely changes in Local Government organisation.

Other options were considered to have a better risk / reward profile.

20. Option 3 considered two sub scenarios involving the building of a new HQ at North Weald Airfield and retaining a minimal footprint in Epping, either at the Civic Offices or in the town centre. Both of these options carry similar risks as Option 2 with Option 3a scoring better against the

strategic objectives but having a marginally worse financial outcome.

21. Option 4 would not be achievable on the current footprint of the Civic Offices with current levels of staff and a workstation staff ratio of 8:10 and it was not considered practical to expand the current footprint. However, if the Council could move to a workstation staff ratio of no more than 7:10, the office footprint required would reduce. It is thought likely that a combination of more ambitious levels of agile / flexible working and some headcount reduction would make the 7:10 ratio achievable. This would open up the possibility that the Council could retain the Civic Offices building optimising space usage there and accommodating the overspill from vacating the Condor Building over a five year period at other locations (Recommendation 1).

22. There are interdependencies between this project and a number of other transformation initiatives such as the relocation of the Housing Repairs Service and the Customer Service / Centralised Reception Project (see below). Further work should be undertaken to establish a clear vision for future office accommodation and new ways of working.

### Relocation of the Housing Repairs Service

23. The Housing Repairs Service, managed under a Repairs Management Contract by Mears, is currently operating from a depot based in St John's Road, Epping. This site is required for the St John's Road Town Centre Regeneration Scheme and must be vacated.

24. The current Mears contract has 3 years left to run and towards the end of the contract period the Council would, in the normal course of events, market test options for the re-provision of this service.

25. In order for members to make an early decision on the future delivery of the Housing Repairs Service, it makes sense to bring forward this assessment (Recommendation 2). Indeed, the Director of Communities will shortly be inviting competitive fee assessments from suitably experienced consultants to undertake a review.

26. Planning approval has been obtained to build a replacement Repairs and Maintenance Hub at Blenheim Way, North Weald which incorporates a new depot, workshops and office space allowing the Housing Repairs Service to co-locate with Housing Assets and free up space at the Civic Offices. The development, including fit-outs costs and fees, would cost an estimated £3.3million.

27. The timescale for vacating the current depot at St John's Road is dependent upon the progression of the town centre regeneration scheme. It is the Council's intention to occupy the current site for as long as possible without negatively impacting the regeneration scheme. However, detailed feasibility work has been undertaken on an alternative temporary depot site at and around the North Weald Airfield Control Tower, should the need arise to vacate the current depot before depot provision for the long term is made available. It should be noted that a planning application would need to be submitted for such a temporary depot provision (Recommendation 4). A financial appraisal of the cost of providing this temporary depot option has been undertaken, on the basis of two sub-options. Both sub-options include:

- use of the ground floor of the Control Tower;
- renting two temporary portable buildings;
- renting 20 shipping containers for temporary stores and workshop facilities; and
- providing a parking area for vehicles.

28. However, Option B includes use of the first floor meeting room at the Control Tower as well, which would enable only one temporary portable building needing to be rented, resulting in a

substantial financial saving - although it should be noted that this would temporarily remove the use of the first floor room for meetings. The cost of this temporary depot facility depends heavily on the period that it is required. Therefore, the financial appraisal below, which includes fees, has considered four alternative periods.

| Option A (Ground Floor only) |          |          |          | Option B (Ground and 1 <sup>st</sup> Floor) |          |          |          |
|------------------------------|----------|----------|----------|---|----------|----------|----------|
| 6 mths                       | 1 year   | 18 mths  | 2 years  | 6 mths                                      | 1 year   | 18 mths  | 2 years  |
| £185,500                     | £208,500 | £237,500 | £269,500 | £162,500                                    | £182,500 | £203,500 | £226,500 |

29. In the meantime, the construction of the Oakwood Hill Depot has been completed and the Neighbourhoods team has been transferred from Langston Road. During construction of the Oakwood Hill Depot the Council took the opportunity to increase the floor space available for office accommodation within the existing development budget. This allows the Council to accommodate more staff there freeing up space at other locations.

30. An initial study suggested that peak operational needs of both the Neighbourhoods Depot and the Housing Repairs depot could not be accommodated at Oakwood Hill on the current footprint, it makes sense to investigate all options and test whether the Council could utilise additional land in the vicinity that would enable the two depots to co-locate. It is recommended that further work is undertaken to test the feasibility of this option (Recommendation 3). If it proves to be impractical to co-locate Housing Repairs and Neighbourhoods services at Oakwood Hill, the additional office floor space will be occupied by other office-based Council services currently based at the Civic Offices or Hemnall Street (Recommendation 3).

31. A report will be brought to a future Cabinet setting out the business case for the best way forward for the permanent location of Housing Repairs Service (Recommendation 6).

#### Customer Service Project / Centralised Reception

32. Since the last report to members, the Customer Services Project Team has undertaken a considerable amount of work. A Head of Customer Service has been appointed and she has been able to take forward the recommendations of the previous study. Currently the central element of the customer services team is being brought together from existing staff to begin process mapping and knowledge exchange with the aim to shortly centralise general phone and online enquiries. This will be an ongoing programme with the aim to add in additional customer enquiries from the directorates.

33. The group has also been working to bring together proposals for a centralised reception. This has included two periods of data collection for face to face customer journeys, consultations with reception staff to draw up the requirements for the design and the appointment of a structural engineer and quantity surveying company to produce a costed design.

34. The preferred scheme is attached as an Appendix to this report, and would see the enlargement of the current main reception area to provide space for all face to face transactions currently handled across five separate reception desks in one place.

35. Works for the project have been initially costed at £510,000. This cost includes contractors' preliminaries, expected overheads and profits but does not include risk contingencies or professional fees, which are likely to add around £75,000 - £100,000 depending on the level of contingency applied. The main reception area would need to be temporarily closed to the public and relocated for a period of 3-4 months to allow the works to proceed at the best possible pace.

36. Currently no budget provision has been made to take the project past its current stage. The Transformation Programme Board has recently considered the project as part of its approval of the other elements of the Customer Services Programme. Their view is that the reception project provides key benefits for the Council:

- we seek to place the customer at the heart of everything we do;
- single customer reception at the Civic Offices, which meets accessibility standards;
- peaks in customer enquiries can be managed effectively through a centralised reception;
- increased satisfaction with our customer service;
- increased accessibility to services that match the changing needs of our aging population;
- increased proportion of customer contacts completed at the first point of contact;
- it will enable the face to face element of customer contact to be brought together in line with members aspirations;
- it will provide a focus to drive improvements to face to face services;
- it will enable staff from across the Council to be cross trained to provide these front line services;
- reduced costs of customer service; and
- it meets members' aspirations to close remaining Condor building reception areas and begin the process of rationalising accommodation space.

37. The proposals include provision for a six seat reception area with accessible seating, informal meetings spaces, five interview rooms, provision for the transfer of existing payment kiosks to a new location and secure cash counting office space, new improved delivery space and proposals to secure the upper floors from daytime public access.

38. If members were able to give the scheme in principle approval the following schedule is suggested (subject to interdependences):

Phase 1 - February '17 – 2<sup>nd</sup> Quarter 17/18

- Detailed design work and final specification.
- Identification of required project management expertise (consultant).

Phase 2 – 3<sup>rd</sup> Quarter 17/18

- Secure budget for works.
- Final specification approval from members.

Phase 3 – 4<sup>th</sup> Quarter 17/18

- Appointment of preferred contractor for window replacement and reception refurbishment.

Phase 4 – 18/19 Financial Year

- Works undertaken (including window replacements).
- Temporary reception arrangements needed.
- Office moves & HR changes.

Phase 5 – 19/20 Financial Year

- One reception area.
- Repurpose other reception spaces.

39. It is acknowledged that this project has a number of interdependences. However, the greatest is the strategy for the remaining accommodation. An early decision needs to be made on whether a redesigned building would mean that additional floor space in the current atrium is needed. If that decision was taken, the reception scheme would have to be undertaken at the same time.

40. Additionally a sum exists within the capital programme to undertake remedial/replacement works to the atrium windows in the 2018/19 financial year which would utilise the scaffolding required for the reception project. These two elements would mean that the project would take longer to complete and require a longer relocation of the reception area.

41. This report discusses elsewhere issues relating to capacity within the Resources Directorate Facilities Management section to undertake the project management roles of the wider accommodation project. It would seem sensible that, if approved, this element form an early portion of that project.

42. It is recommended that the decision to provide a centralised Customer Service Reception be made in principle subject to a later report setting out details of the full design and the capital budget provision required. External resources will need to be procured to deliver the scheme. (Recommendation 7).

#### **Resource Implications:**

Soft market testing suggested a budget of £50,000 would be needed for the SOC and an allocation from the Invest to save Fund to cover this was approved by Cabinet on 7 April 2016. Following a competitive tendering exercise, the panel of Members and officers were unanimous in selecting PwC. However, the price tendered was £64,000 and so a further allocation from the Invest to Save Fund was approved by Cabinet on 9 June 2016.

After the initial work was completed Members asked for the scope of the work to be expanded to include a further option. This required additional funding of £18,500 and this was approved by a Portfolio Holder decision signed by the Leader on 16 November 2016. Therefore, the total amount of Invest to Save Funding used to complete the SOC was £82,500.

There are no further amounts currently allocated to take this project forward. Whatever decisions are made by Members it will be necessary to evaluate the work required to take forward the decision and the staffing requirement to support it. It will be possible for existing resources in Facilities Management to deliver some but not all of the work necessary.

There are currently allocations in the Capital Programme for the Housing Hub of £3.2m and replacing the atrium roof and associated smoke extract ventilation of £227,000. If a decision is made to optimise the space in the Civic Offices and it is possible to construct mezzanine floors then a cheaper solution may be possible for the atrium roof.

Option 4 of the SOC gives a capital cost of £8,818,965, in addition to the £3.2m already in the capital programme for the Housing Hub. However, this was based on the assumption of an 8:10 workstation to staff ratio requiring an extension of the Civic Offices. If it is possible to move to a 7:10 ratio and provide sufficient accommodation in the Housing Hub and Oakwood Hill Depot without an extension costs of £4,468,080 could be avoided. This reduces the projected capital cost to £4,350,885.

The amended capital cost of £4,350,885 would need approximately £200,000 added to it for the amount by which the costs of the work to the reception area exceed the standard refurbishment allowance of £900 per square metre. This gives an approximate total cost of £4.6m which matches the projected receipt value for option 4 shown in the SOC.

On the basis set out above the amended option 4 could be broadly cost neutral, not including the £3.2m already in the capital programme for the Housing Hub. This is subject to the cost of the mezzanine floors and a cheaper solution for the atrium roof not significantly exceeding the £227,000 currently included in the capital programme. It should also be stressed that these are indicative figures prepared as a strategic outline case and that more detailed design and costing work would be necessary to confirm these figures before decisions are made on funding allocations.

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

There are no legal or governance implications arising from the recommendations in this report.

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

There are no safer, cleaner and greener implications arising from the recommendations in this report.

#### **Consultation Undertaken:**

None at this stage but extensive consultation will be undertaken with staff before permanent changes to working practices are implemented.

#### **Background Papers:**

Service Accommodation Review – Strategic Outline Case, Price Waterhouse Coopers.  
Epping Forest District Council Services Accommodation Review, Bisset Adams.  
Feasibility Study for the proposed centralised Reception, Stace & Partners.

#### **Risk Management:**

Changing working practices could impact service delivery whilst those changes are implemented. This will be mitigated by prototyping and trialling such changes prior to full scale implementation.

Relocating staff to other sites and undertaking building works risks disruption to services and potentially staff may choose to seek alternative employment rather than move. This will be mitigated by implementing the changes in phases over a period that allows for disruption to be kept to a minimum and does not overstretch resources.

All developments carry risks in terms of cost and timescale. The Council will commission experts to deliver the construction projects required and have alternative scenarios to allow for the relocation of existing staff.

#### **Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

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# Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - gender and sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions and Cabinet Reports** **must be** accompanied by an EqIA.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
  - Factsheet 1: Equality Profile of the Epping Forest District
  - Factsheet 2: Sources of information about equality protected characteristics
  - Factsheet 3: Glossary of equality related terms
  - Factsheet 4: Common misunderstandings about the Equality Duty
  - Factsheet 5: Frequently asked questions
  - Factsheet 6: Reporting equality analysis to a committee or other decision making body

## Section 1: Identifying details

Your function, service area and team: Transformation

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: Review of the Council's Accommodation

Officer completing the EqIA: Tel: 01992 564080 Email: gchipp@eppingforestdc.gov.uk

Date of completing the assessment: 16<sup>th</sup> February 2017

## Section 2: Policy to be analysed

|     |  |
|-----|--|
| 2.1 | Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes   |
| 2.2 | <p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To explore options to maximise the beneficial usage of the Council's land and buildings, provide a catalyst for transformational change in working practices and improve accommodated provision whilst realising savings in costs.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Lower accommodation costs<br/>More customer focussed services<br/>More efficient use of office accommodation</p> |
| 2.3 | <p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users Yes</li><li>• employees Yes</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities? Yes</li></ul> <p>Will the decision influence how organisations operate? Yes</p>  |
| 2.4 | Will the decision involve substantial changes in resources? Yes  |
| 2.5 | <p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The decision will support corporate policy aims.</p>   |

## **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

### **Section 3 – Evidence / data about user population and consultation.**

At this stage Council is being asked to make a strategic, in principle, decision about the future direction for the Council's Accommodation Strategy. Further reviews are recommended to provide detailed plans and business cases to inform the final decision which will be the subject of future reports. This Equalities Impact Assessment focuses on the issues arising from the current strategic decision and further assessments will be undertaken as more detailed options are considered.

Three main groups are likely to be affected.

#### **i. Customers**

Customers wishing to access services by visiting the Council's offices will be potentially impacted by the relocation of staff and associated building works. It is envisaged customer contact points will be maintained on the reduced footprint at the Civic Offices and in the existing branch offices so there should be no reduction in accessibility. The refurbishment at the Civic Offices would concentrate customer contact points in one location on the ground floor and would be designed to be DDA compliant, thus improving accessibility. No consultation has been undertaken at this point but as detailed proposals are developed consultation will be undertaken.

#### **ii. Staff**

Whilst it is intended to work as flexibly as possible, some staff will be relocated to new accommodation at North Weald or Oakwood Hill. This could potentially impact those who use public transport to travel to work. Currently 43% of staff live in the district and 80% drive to work.

North Weald is a 10 minute drive from the Civic Offices and a regular bus service runs between Epping High Street and Hurricane Way which is a 10 minute walk from North Weald Airfield.

Oakwood Hill is well served by public transport being within walking distance of a Central Line station.

Numerous staff briefings have already been held to engage staff in the process early and further detailed consultation will be needed as detailed proposals emerge.

#### **iii. Epping Traders**

Currently 500 council staff are based at the Civic Offices and potentially shop in Epping town centre. Roughly half of those staff would be based at other locations when the site is redeveloped and this could potentially impact traders in Epping. Other locations such as North Weald and Debden could potentially see an upturn in trade. Any negative impact in Epping is likely to be short term as it is proposed to redevelop the vacated part of the site. Public consultation would be undertaken as the scheme proposals are developed. The Council's Local Plan consultation document has sought public feedback on the redevelopment proposal and any scheme will need to secure planning permission.

## Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

| Description of impact  | Nature of impact<br>Positive, neutral, adverse<br>(explain why)   | Extent of impact<br>Low, medium, high<br>(use L, M or H) |
|--|---|--|
| 1. Centralisation of Customer Service Contact Points in Epping | Bringing together all of the customer service contact points currently in various part of the Civic Offices should have a positive impact on accessibility as all customers will enter the offices on the ground floor. Providing the whole range of services in one place should also make services easier to access, especially for older and disabled customers. | High   |
|  | Satellite offices in other parts of the district with customer contact points will be retained so there should be no reduction in accountability and there is the potential to provide customer contact points in those locations.  | Neutral  |
|  | Staff working in customer facing roles at the Civic Offices may be moved from their current location to the centralised contact centre.   | Neutral  |
| 2. Redesign of customer contact processes                      | Changing working practices and using modern technology should enable the Council to design more customer friendly services. Managing the change will need particular attention to be paid to those customers who find technology challenging (some older people and some of those with disabilities). Staff will need training to adjust to new ways of working.    | Medium   |

|                                 |  |  |
|---------------------------------|--|--|
| <p>3. Relocation of offices</p> | <p>Whilst the intention is to maximise flexible working, some staff will be expected to spend most of their time at offices which are different to their current location. This particularly impacts those using public transport to travel to work more than the 80% of staff who drive to work.</p> <p>Traders in Epping may experience some reduction in business when staff are relocated to other offices. However the intention is to redevelop the site which should compensate for any loss in trade. Other locations in the district will potentially benefit from Council staff being relocated.</p> | <p>High<br/>(for those using public transport for travel to work)</p> <p>Low</p> |
|---------------------------------|--|--|

## Section 5: Conclusion

|     |  | Tick<br>Yes/No as<br>appropriate |   |
|-----|--|----------------------------------|---|
| 5.1 | Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups? | Yes                              | If <b>'YES'</b> , use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place. |

## Section 6: Action plan to address and monitor adverse impacts

| What are the potential adverse impacts?  | What are the mitigating actions?  | Date they will be achieved.        |
|--|---|------------------------------------|
| More difficult for staff to travel to work on public transport   | <p>Flexible working where possible to accommodate those most affected</p> <p>Detailed review and travel to work plan prepared before emerging proposals are finalised</p>   | Prior to relocation of staff       |
| Customers finding it more difficult to access services   | <p>Customer contact reception designed to be DDA compliant on the ground floor of the Civic Offices</p> <p>Other customer contact locations across the district maintained</p> <p>Redesigned process tested with customers particularly those groups with protected characteristics</p> | Prior to changes being implemented |
| Detailed proposals arising out of the reviews recommended in the report could create as yet unidentified impacts | Further EqIAs completed once the reviews are completed and final proposals emerge   | Prior to changes being implemented |
| Loss of business to Epping traders when staff relocate to other sites.   | <p>Phased relocation of staff over a 2 year period to lessen the impact.</p> <p>Maximise the efficient usage of the Civic Offices footprint that is retained in Epping</p> <p>Redevelop the remaining footprint as quickly as possible</p>  | Prior to relocation                |
| Disruption of services caused by changed processes   | <p>Pilot proposals on a small scale before full adoption</p> <p>Train staff thoroughly</p> <p>Test systems / technology for robustness</p>  | Prior to changes being adopted     |

## Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.  
(A typed signature is sufficient.)**

Signature of Head of Service: Glen Chipp

Date: 16.02.17

Signature of person completing the EqIA: Glen Chipp

Date: 16.02.17

Date signed copy and electronic copy forwarded to PIU  
[equality@eppingforestdc.gov.uk](mailto:equality@eppingforestdc.gov.uk)

Date:

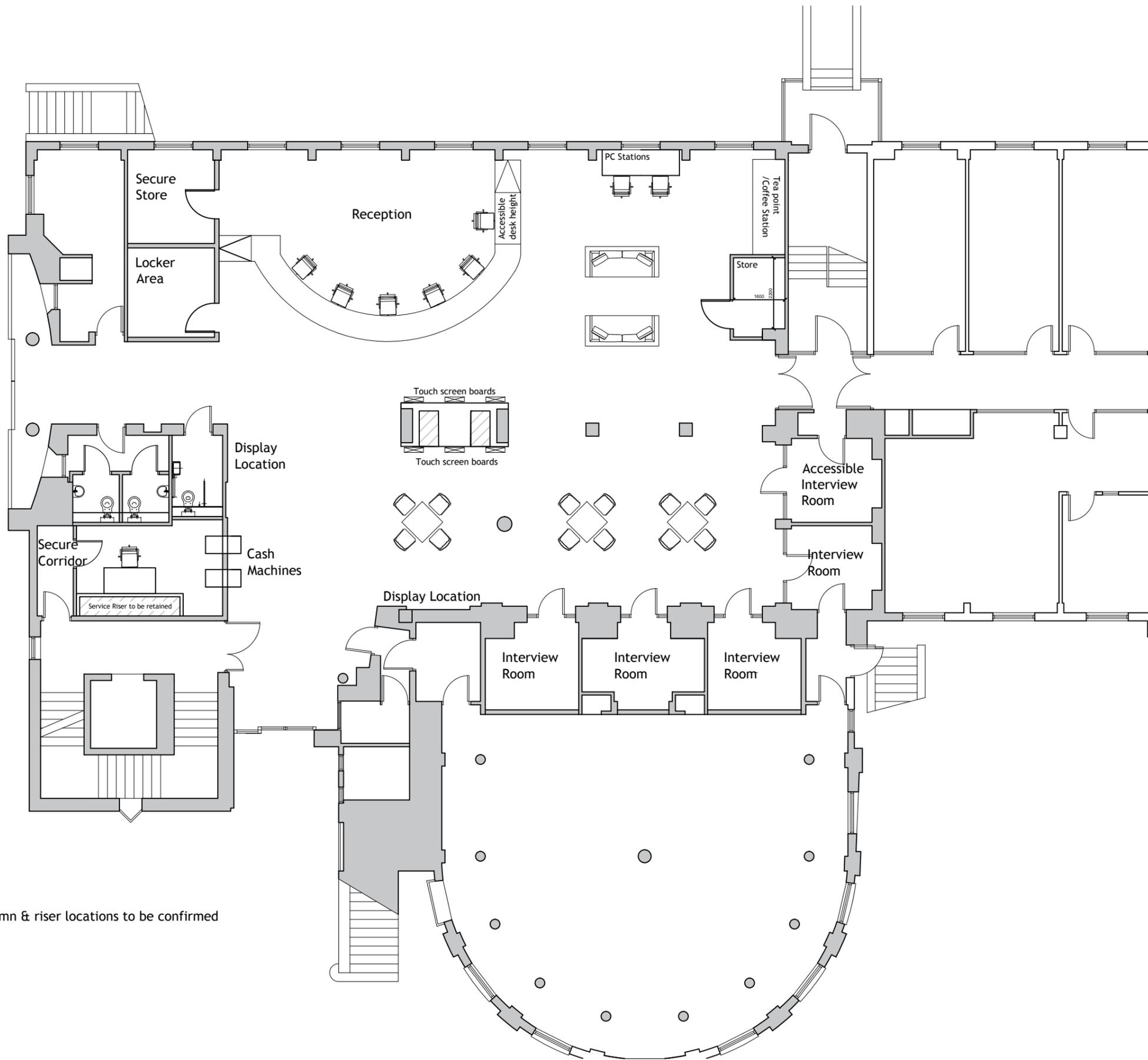
## Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

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WC Provision:  
2nr Unisex  
1nr Disabled WC

Note:  
Structural Column & riser locations to be confirmed



**NOTES**

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|     |      |             |     |

Feasibility Study



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Client

Epping Forest District Council

Project

Civic Office Reception

Remodelling Feasibility

Drawing Title

Feasibility Study

Option One

|                            |                  |
|----------------------------|------------------|
| Scale<br>NTS               | Sheet Size<br>A3 |
| Date<br>January 2017       | Drawn by<br>KP   |
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## **Report to the Cabinet**

**Report reference:** C-063-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Safer, Greener and Transport

**Subject:** Off Street Car Parking Enforcement Policy

**Responsible Officer:** Qasim (Kim) Durrani (01992 564055).

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

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

- (1) To note that good progress is being made in the mobilisation of the Off Street enforcement contract with NSL which will commence on 1 April 2017;
- (2) That in order to comply with legislative and statutory requirements and enable successful operation of the Off Street enforcement contract the following be agreed:
  - (a) the use of Traffic Enforcement Centre (TEC) for debt registration;
  - (b) the use of Traffic Penalty Tribunal (TPT) for adjudication service in respect of disputed Penalty Charge Notice (PCN);
  - (c) To apply to the Driver and Vehicle Licencing Agency (DVLA) for permission to access their database to obtain the registered keeper's details for enforcement purposes;
  - (d) the appointment of enforcement agents, sometimes referred to as Bailiffs, for debt recovery in respect of Off Street operations;
  - (e) that the current level of PCN at Band 2, £70 for higher more serious and £50 for lesser contraventions be retained;
  - (f) that as much as possible cashless payments will be encouraged for parking permits, season tickets, pay and display, PCN payments by the use of pay by phone and online technology however the option to pay by cash and cheque will remain available;
- (3) To Approve the attached document titled Civil Parking Enforcement Policy and Guidance on the Processing of Penalty Charge Notices within the District;
- (4) That an annual report setting out the activities of the service be presented to Cabinet within six months of the end of each financial year;
- (5) To note that NSL has been acquired by Marstons and that this will have no impact on the contract;
- (6) That a Car Parking Partnership Board be established to provide supervision of

the contract with its membership and terms of reference being determined by the Leader of the Council; and

(7) That delegated authority be given to the Director of Neighbourhoods (and officers appointed by him) to consider representations and challenges to PCNs under Part 6 of the Traffic Management Act 2004 (and enabling statutory instruments) and to determine, in accordance with the published Enforcement Policy, whether to cancel any Notice or enforcement action and determine, based on evidence or grounds for doing, whether to cancel any Notice or enforcement action

#### **Executive Summary:**

In order for NSL Limited to carry out enforcement in Council car parks and for the associated functions to be performed, by NSL and Council staff, it is essential to have the necessary approvals in place. This report seeks authority for these considerations, which are also reflected in the Civil Parking Enforcement Policy

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

To put in place formal arrangements as required by law to enable NSL and Council staff to carry out all the functions associated with the delivery of Off Street enforcement contract.

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

There are no other options, if the necessary approval is not given then the NSL contract can not commence.

#### **Report:**

1. The Council first took on the enforcement of parking controls in 2002 when these were decriminalised. This was under an agency agreement with Essex County Council (ECC). The enforcement operations were undertaken via contractors. The last contract, with Vinci Parks Limited, ended in 2012 and by that time the agency agreement with ECC had ended and the North Essex Parking Partnership (NEPP) had been established for On Street enforcement. The Council decided to have the Off Street enforcement and associated functions delivered by NEPP as well. This resulted in revenue saving at the time.

2. Following a review of the Off Street operations by RTA Associates Limited in 2015 a decision was taken to withdraw from the Off Street element of the NEPP. A formal notice to this effect was served on NEPP which means that from 1 April 2017 the Council will manage the Off Street operations itself. As a result of the recently concluded procurement process NSL Limited have won the contract for the enforcement and associated elements of the contract.

3. The Cabinet agreed at its meeting on 1 December 2016 to award the contract for the enforcement, cash collection and associated activities to NSL Limited. This was after an eight month long procurement exercise conducted under OJEU Regulations. Under the terms of the contract NSL will provide the following services:

- Enforcement in Council owned and managed car parks.
- First line pay and display machines maintenance, cash collection, counting and banking.
- Provision of permit/season tickets.
- Provision and management of IT systems associated with the enforcement

operations.

- Provision of Interactive Voice Response (IVR) and web based payment solutions.
- Provision of cash less solutions for parking and permits.
- Civil Enforcement Officers (CEO) to report defects in car parks.
- Provision of operational equipment, vehicles, uniforms and associated stationery.

4. Good progress is being made in the mobilisation process. The software solutions for the enforcement and back office processes are being deployed, NSL is procuring the hardware that will be required on the contract and they intend to recruit Civil Enforcement Officer (CEO) locally and will be advertising on the Council website as well as other standard media. Internally Council officers are making the necessary changes to prepare for the commencement of the contract including the appointment of another officer in the car parking team to assist with the increased workload. **(recommendation 1)**

5. Civil Parking Enforcement (CPE) whether on or off street is subject to strict legislative and statutory guidance and requires processes to be put in place to enable transparency and accountability. In order for NSL to carry out the off street enforcement operations and for the Council to deal with challenges and representation from motorists a number of decisions are required. These are noted below **(recommendation 2)**:

(a) Traffic Enforcement Centre (TEC) was established for the purpose of allowing local authorities, Transport for London and Highways England, to enforce unpaid penalty charge notices. It is attached to Northampton County Court Bulk Centre. TEC authorise the local authority to prepare the Order for Recovery of unpaid penalty charges. They also process all statutory declarations and witness statements. The other aspect of the TEC is to authorise the issue of a warrant of control requests from local authorities, Highways England and Transport for London.

(b) The Traffic Penalty Tribunal (TPT) are based out of Cheshire and offer an adjudication service when a motorist challenges a Penalty Charge Notice (PCN) after it has gone all the way through the challenge process of the issuing authority. The Traffic Penalty Tribunal comprises individually appointed independent adjudicators and a small team of administrative staff who work on their behalf and is the only Tribunal available in England for English Authorities outside of London;

(c) in pursuing recovery of PCN issued it is necessary to write to the registered owner of a vehicle. This requires seeking access to DVLA database and that is only allowed if formal permissions have been granted by DVLA;

(d) in some cases there is no other alternative but to use enforcement agents also referred to as Bailiffs to recover debt. The intention is to use the Councils existing framework of enforcement agents;

(e) the PCN charging at Band 2, in place across the District for a number of years is proposed to be retained, £70 for higher offences for example parking in a Disabled Bay and £50 for lesser contraventions; and

(f) payments for pay and display tickets, permits and season tickets and PCNs can be made in a number of ways. The intention is to encourage cash less, pay by phone and online payments. This will help reduce overheads and cash handling costs in the long run. The option to pay by cash and cheque will remain available.

6. In order for the Council to enforce against motorists for contraventions under the Traffic Management Act and associated guidance it is necessary to have a CPE Policy which

sets out the offences and the regulatory framework. The Policy is attached as background paper. The Policy does not replace or replicate national guidance rather provides clarity to motorists and those enforcing the guidance (**recommendation 3**).

7. The Traffic Management Act (2004) requires the Council to publish an annual report on the activities of the service within six months of the end of a financial year. The guidance recommend that the report should contain: total income and expenditure, breakdown of income whether parking charges or penalty charges, higher/lower number of PCNs served, number of PCNs paid at discounted or full rate, number of PCNs against which a challenge or formal representation was made, number of PCNs written off and reasons for doing so and other related information (**recommendation 4**).

8. NSL is a large multinational company and has recently had a change in ownership. It has been acquired by Marstons and that this will have no impact on the contract as they will operate as a separate business and with increased scale and resources (**recommendation 5**).

9. The delivery of the Off Street parking enforcement is a major front line activity and the effective operation of the car parks has a direct impact on the vitality of the town centres. It is recommended that the contract be monitored by a Partnership Board consisting of the senior officers from NSL and the Council and chaired by the Portfolio Holder for Safer Greener and Transport with another Executive Cabinet Member as deputy. This will be similar to other large front line contracts, for example the Biffa waste contract, and will allow strategic oversight of the Off Street enforcement operations. It is also recommended that the terms of reference of the Board and the membership be decided under a Leader Action (**recommendation 6**).

10. Motorists who have been issued a PCN have a right to challenge, details of how a challenge can be made will be available on the PCN. The reasons for acceptance of a challenge are within the Enforcement Policy attached to the report. It is best practice to keep the determination of challenges within the back office, this protects the CEOs from allegations of inconsistency and favouritism and provides consistency in the enforcement of traffic regulations. It is recommended that the authority to consider representations and challenges to PCNs be given to the Director of Neighbourhoods and officers appointed by him (**recommendation 7**).

#### **Resource Implications:**

There are no additional resources implications as a result of the decision in this report. The Council will achieve a yearly saving of £58,600 from 2017/18 as a result of this procurement exercise.

There are additional costs associated with TUPE transfer of a member of staff from NEPP to NSL. These costs are not yet fully known as NSL is assessing all options available for the new employee, for example redeployment into a new role. There will be one off pension strain costs or possibly redundancy costs. These will be borne by the Council, as agreed by Cabinet previously, a report will be presented as soon as these costs are known.

Costs associated with the charges payable to TEC, TPT and enforcement agents etc will be covered from existing service budgets.

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

Statutory rules governing local authority's choice of contractor for carrying out its parking services are covered by the general powers delegated to local authorities by statute. The

Council and in turn the Service Provider must comply with the statutory documents and any changes, new legislation, procedures, regulations, codes, guidance, etc, which may be introduced during the Contract Period. The current framework is:  
Road Traffic Regulation Act 1984 (as amended) (RTA);

Traffic Management Act 2004 (as amended) (TMA);

Statutory Guidance – Traffic Management Act (February 2008);

Operational Guidance to Local Authorities: Parking and Enforcement, Traffic Management Act 2004 (March 2008)

Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions. (the 'anything' in this instance should be sufficient to cover the contracting of third parties to deliver local authority services)

Section 2 of the Local Government Act 2000 (2000 Act) empowers the Council to do anything which they consider is likely to achieve any one or more of the following objects:

- (a) The promotion or improvement of the economic well-being of their area;
- (b) The promotion or improvement of the social well-being of their area; and
- (c) The promotion or improvement of the environmental well-being of their area.

The power may be exercised in relation to or for the benefit of-

- (a) The whole or any part of a local authority's area; or
- (b) All or any persons resident or present in a local authority's area.

The purpose of parking orders issued under the Road Traffic Regulation Act 1984

On 11 June 2015 the Council issued an Off-Street Parking Places Order (the "Order") in exercise of its powers under s32,33 and 35 and Part IV Sch 9 of the Road Traffic Regulation Act 1984 (the "1984 Act").

The purpose of the Order is to set out the amount of fines for certain offences, where the car parks are and when they are open. The Order can also designate a particular piece of Council land as a carpark.

The Local Government Acts quoted above appear to give the Council sufficient authority to choose a third party to deliver its parking services. The only other relevant statutory rules relating to choice of third party to carry out the parking services are EU procurement rules. These have been complied with through the tendering process. The Order essentially sets out the kind of parking services the Council provides, where it will provide them and how much these services will cost users. It will be important to ensure the current Order accurately reflects the parking services to be delivered by the New Provider.

#### Background:

Before 1991, the police and traffic wardens were responsible for enforcement and income from fixed penalty notices (FPNs) went to the Exchequer. The police service found itself increasingly unable to resource parking enforcement and a number of forces supported the idea of another agency taking on the responsibility.

The road safety and congestion implications of this lack of enforcement were unacceptable. The Road Traffic Act 1991 made it mandatory for London boroughs and optional for other local authorities to take on the civil enforcement of non-endorsable parking contraventions.

This meant that staff, of local authority having taken over this power from the police, either employed directly or indirectly, for example a contracted service, can issue Penalty Charge Notices (PCNs) and the local authority can keep the income.

The legal framework for enforcement authorities in England comprises Part 6 of the Traffic Management Act 2004 (TMA) and the regulations to bring Part 6 into effect. The TMA and the associated regulations have given English authorities outside London many powers already available to authorities in London, giving greater consistency across the country while allowing for parking policies to suit local circumstances. The framework aims to make the system fair as well as effective.

Local authorities have long been responsible for managing all on-street and some off-street parking, whether directly or indirectly. The relevant powers are in the Road Traffic Regulation Act 1984 (RTRA). The Road Traffic Act 1991 significantly changed the way that on-street parking restrictions are enforced.

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

All the Council car parks have Park Mark accreditation by continuing to provide adequate enforcement action and maintaining all the pay and display machines in a good state of repair the Council can continue to keep the accreditation.

All car parks are regularly inspected for maintenance issues including hedges, fences and signs and lines. CEO will immediately report any exceptions to the Council officers. This will enable a quicker response to repairs in car parks.

The current ability of motorists to pay by: cash, phone and debit or credit cards will continue.

### **Consultation Undertaken:**

The Portfolio Holder Advisory Group has kept an oversight on the delivery of this project.

NSL have been consulted on the decisions in this report.

### **Background Papers:**

Cabinet reports on the decision to give notice of withdrawal from the Off Street part of NEPP and progress report on the procurement process.

### **Risk Management:**

The risk of ongoing service provision post termination of arrangements with NEPP is minimised by the award of contract to NSL and the good progress being made in the mobilisation.

There remains a risk associated with the TUPE transfer of one member of staff from NEPP to the new contractor. It is not yet possible to assess the cost risk to the Council. It is intended to bring a report to Cabinet as soon as these costs are known.

There is a risk of financial loss to the Council if all the case files and data relating to the ongoing PCNs and enforcement cases is not transferred to the Council by 31 March 2017. This is being mitigated by the project team working closely with all the stakeholders to ensure that the back office case management system is able to migrate all the historical data.

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at an Appendix to the report.

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# Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

If you require further help, please contact the Performance Improvement Unit.

## Step 1. About the policy, service change or withdrawal

|  |   |
|--|---|
| Name of the policy, service or project: <i>be specific</i> | Provision of New Off Street Parking Contractor and in-house back office function for enforcement across all Council owned and managed pay and display car parks |
| Revised / new / withdrawal:                                | New   |
| Intended aims / outcomes/ changes:                         | Revision of existing policies for Civil Parking Enforcement and creation of new policies where required   |
| Relationship with other policies / projects:               | KPIs and Contract with NSL  |
| Name of senior manager for the policy / project:           | Q Durrani   |
| Name of policy / project manager:                          | A Hoadley   |

## Step 2. Decide if the policy, service change or withdrawal is equality relevant

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <p>Council Officers will monitor and implement policies. Car Park users can reflect a broad cross section of people with protected characteristics, however specific provision is made for people with disabilities.</p> |
|--|---|

|  |   |
|--|---|
|  | If no, state reasons for your decision: |
|--|---|

### Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 ‘Sources of evidence for the protected characteristics’

| <i>Characteristic</i>                | <i>Evidence (name of research, report, guidance, data source etc)</i>   | <i>What does this evidence tell you about people with the protected characteristics?</i>  |
|--------------------------------------|---|---|
| Age                                  | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Themes: Sustainable, Aspiring<br>The Council’s commitment to Equality and aspiration to make the District a great place to live, work, study and do business in | Some elderly patrons may have difficulty in understanding how the pay and display machines work or understanding the tariff boards  |
| Dependents / caring responsibilities | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>The overarching theme to make the District a great place to live, work, study and do business in  | Those with caring responsibilities may find the tariff systems in car parks complex to follow   |
| Disability                           | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Themes: Safe, Sustainable, Health<br>The overarching theme to make the District a great place to live, work, study and do business in                           | Patrons with disabilities may have problem finding a disabled bay, not being able to reach to insert coins into pay and display machine and reading and understanding the tariff boards |
| Gender reassignment                  | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Corporate commitment to Equality  | Might feel insecure approaching a Civil Enforcement Officer (CEO)   |
| Marriage and civil partnership       | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>The overarching theme to make the District a great place to live, work, study and do business in  | In the case of gender reassignment it may be that they feel uncomfortable to speak with a CEO to seek further information or clarification.   |

|                         |  |   |
|-------------------------|--|---|
| Pregnancy and maternity | EFDC Equality Scheme 2012-16<br>Corporate Plan 2011 -15.<br>The overarching theme to make the District a great place to live, work, study and do business in   | Pregnant women may have difficulty in walking long distances to get pay and display tickets.  |
| Race / ethnicity        | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Corporate commitment to Equality<br>The overarching theme to make the District a great place to live, work, study and do business in | In the case of Race/Ethnicity some groups may feel uncomfortable to speak with a CEO to seek further information or clarification on the service. |
| Religion or belief      | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Corporate commitment to Equality<br>The overarching theme to make the District a great place to live, work, study and do business in | In the case of Religion some groups may feel uncomfortable to speak with a CEO to seek further information or clarification on the service.       |
| Sex                     | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Corporate commitment to Equality<br>The overarching theme to make the District a great place to live, work, study and do business in | Some patrons may feel vulnerable using the car parks when it is dark.   |
| Sexual orientation      | EFDC Equality Scheme 2012-16<br><br>Corporate Plan 2011 -15.<br>Corporate commitment to Equality<br>The overarching theme to make the District a great place to live, work, study and do business in | There is limited information available to enable an assessment of the impact on this Characteristic.  |

**Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)**

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

| <i>Characteristic</i> | <i>Actual or likely adverse impacts identified</i> | <i>Actions that are already or will be taken to reduce the negative effects identified</i> |
|-----------------------|--|--|
|                       |  |  |

|                                      |  |  |
|--------------------------------------|--|--|
| Age                                  | Some elderly patrons may have difficulty in understanding how the pay and display machines work or understanding the tariff boards   | The notice boards in car parks clearly explain the requirements for compliance, these will be reviewed to check if the information can be made clearer       |
| Dependents / caring responsibilities | Those with caring responsibilities may find the tariff systems in car parks complex to follow  | The notice boards in car parks clearly explain the requirements for compliance, these will be reviewed to check if the information can be made clearer       |
| Disability                           | Patrons with disabilities may have problem finding a disabled bay, not being able to reach to insert coins into p&d machine and reading and understanding the tariff boards                                    | Disabled badge holders can park in all Council car parks for free  |
| Gender reassignment                  | Might feel insecure approaching a Civil Enforcement Officer (CEO)  | NSL, the enforcement contractor, is fully aware of the equality legislation and will be reminded of ongoing staff training to ensure awareness remains high. |
| Marriage and civil partnership       | In the case of gender reassignment it may be that they feel uncomfortable to speak with a CEO to seek further information or clarification.  | NSL, the enforcement contractor, is fully aware of the equality legislation and will be reminded of ongoing staff training to ensure awareness remains high. |
| Pregnancy and maternity              | Pregnant women may have difficulty in walking long distances to get pay and display tickets.   | CEOs will observe the vehicle before issuing a PCN, this will allow sufficient time for drivers to walk to a machine and buy adequate ticket.                |
| Race / ethnicity                     | In the case of Race/Ethnicity some groups may feel uncomfortable to speak with a CEO or member of Council staff to seek further information or clarification on the service.                                   | Information is available on the Council Website and can also be requested by email   |
| Religion or belief                   | In the case of Religion some groups may feel uncomfortable to speak with a CEO to seek further information or clarification on the service.  | Information is available on the Council Website and can also be requested by email   |
| Sex                                  | Some patrons may feel vulnerable using the car parks when it is dark.  | All Council car parks are Park mark accredited; CCTV and lighting systems are being upgraded through the ongoing work on the Parking Strategy.               |
| Sexual orientation                   | There is limited information available to enable an assessment of the impact on this Characteristic. It is assumed that some members of this group may feel uncomfortable approaching a CEO or Council officer | Information is available on the Council Website and can also be requested by email   |

## Step 6.

## The duty to advance equality of opportunity

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. (Note: not relevant to marriage and civil partnership)

| <i>Characteristic</i>                | <i>Ways that this policy, service or project can advance equality of opportunity</i>  | <i>Why this policy, service or project cannot help to advance equality of opportunity:</i> |
|--------------------------------------|---|--|
| Age                                  | Improvement in signage and due consideration to observation time before issue of a PCN.   |  |
| Dependents / caring responsibilities | Observation by CEO before issuing a PCN and ability for motorists to call the Council and speak with a staff member.  |  |
| Disability                           | Provision of bays for disabled badge holders, free parking across all car parks.  |  |
| Gender reassignment                  | Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public. |  |
| Pregnancy and maternity              | Observation time before issue of a PCN, use of CEOs as agents of the Council when dealing with the members of the public  |  |
| Race / ethnicity                     | Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public. |  |
| Religion or belief                   | Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public. |  |
| Sex                                  | Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public. |  |
| Sexual orientation                   | Enforcement contractor compliance with equality legislation and monitoring of on-going commitment to equality of opportunities for staff and members of the public. |  |

## The duty to foster good relations

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. (*Note: not relevant to marriage and civil partnership*)

| <i>Characteristic</i>                | <i>How this policy, service or project can foster good relations:</i>   | <i>Why this policy, service or project cannot help to foster good relations:</i> |
|--------------------------------------|---|--|
| Age                                  | Ability to ring the Council for information,  |  |
| Dependents / caring responsibilities | Observation by CEO before issue of a PCN to ensure that those with caring responsibilities have adequate time to attend to those cared for.   |  |
| Disability                           | Free parking in all Car Parks throughout the year.  |  |
| Gender reassignment                  | Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board |  |
| Pregnancy and maternity              | Observation before issue of a PCN will ensure those with mobility restrictions can get ample time to purchase pay and display tickets         |  |
| Race / ethnicity                     | Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board |  |
| Religion or belief                   | Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board |  |
| Sex                                  | Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board |  |
| Sexual orientation                   | Ability to monitor enforcement contractors commitment to equality legislation and foster good relations via the Car Parking Partnership Board |  |

## Step 7. Documentation and Authorisation

| Summary of actions to be taken as a result of this analysis (add additional rows as required):                       | Name and job title of responsible officer | How and when progress against this action will be reported |
|--|---|--|
| 1. The actions/decisions have the potential to adversely affect the characteristic groups. This will be mitigated by | Mrs A                                     | Regular reviews and on going                               |

|  |  |  |
|--|--|--|
| <p>ensuring that the enforcement contractors activities are managed and monitored through the formal contractual arrangements and the proposed new Car Parking Partnership Board.</p> <p>2. Equalities monitoring and reporting will be reviewed by the Car Parking Partnership Board and corrective measures reviewed periodically.</p> <p>3. The opportunity to replace the display signs and boards in the car parks will be taken to simplify the information on display, as much as permissible under the relevant legislation, to make it easier for some of the adverse impacts identified in this analysis to be mitigated.</p> <p>4. CEOs will be the Councils interface with the public, they will, through the enforcement contractor, be encouraged to play a supportive and helpful role.</p> | <p>Hoadley<br/>Car Park and Street Furniture Manager</p> | <p>monitoring updates to be provided to Assistant Director</p> |
|--|--|--|

|  |   |
|--|---|
| Name and job title of officer completing this analysis:  | Amanda Hoadley<br>Car Parking and Street Furniture Manager                |
| Date of completion:  | 07/02/2017  |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | Qasim ( Kim) Durrani<br>Assistant Director ( Technical)<br>Neighbourhoods |
| Date of authorisation:   |   |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   |   |

### Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

### Your summary of equality analysis must include the following information:

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;

- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.



# **Civil Parking Enforcement Policy**

## **(Off Street)**

### **A Civil Parking Enforcement Policy and Guidance on the Processing of Off Street Penalty Charge Notices in Epping Forest District Council**

**February 2017**  
**Version 1.6 (2) dated: 24.02.2017**

# Introduction to Epping Forest District Council's Enforcement Policy

The advice contained within this document is intended to both assist the public in understanding how parking is enforced in the Council owned and managed car parks to support both the Council and contracted employees when undertaking civil parking enforcement and in particular when assessing representations/appeals.

Through the EFDC Parking Partnership Board, the document will be subject to rigorous and frequent review to ensure that it reflects current best practice nationally. This in turn will enable enforcement to be carried out consistently and clearly across the district. It is stressed however, that it is only guidance; each case will be assessed fairly and reasonably on its merits and it is not appropriate to prescribe a response for every set of circumstances.

This local guidance is not intended to replace or replicate national guidance but to complement it. The national guidance referred to in the document is the Secretary of State's 'Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' (February 2008) and the associated 'Parking Policy and Enforcement Operational Guidance to Local Authorities' (March 2008). These are referred to as 'National Guidance' within the text.

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## **Glossary of Abbreviations:**

|      |                                   |
|------|-----------------------------------|
| EFDC | Epping Forest District Council    |
| CEO  | Civil Enforcement Officer         |
| CC   | Charge Certificate                |
| PCN  | Penalty Charge Notice             |
| NTO  | Notice To Owner                   |
| HHC  | Hand Held Computer                |
| DVLA | Driver & Vehicle Licencing Agency |
| TPT  | Traffic Penalty Tribunal          |
| TEC  | Traffic Enforcement Centre        |
| VRM  | Vehicle Registration Mark         |
| RTRA | Road Traffic Regulation Authority |
| TM   | Traffic Management Act            |
| DFT  | Department for Transport          |

## **Contravention codes:**

### **Off-street Higher Level Contraventions:**

#### **Code Description:**

- 74 Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited.
- 81 Parked in a restricted area in a car park.
- 85 Parked in a permit bay without clearly displaying a valid permit.
- 87 Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge.
- 89 Vehicle parked exceeds maximum weight and/or height and/or length permitted in the car park.
- 91 Parked in a car park or area not designated for that class of vehicle are they the same thing.
- 92 Parked causing an obstruction

### **Off-street Lower Level Contraventions:**

#### **Code Description**

- 73 Parked without payment of the parking charge.
- 80 Parked for longer than the maximum period permitted.
- 82 Parked after the expiry of paid for time.
- 83 Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock.
- 84 Parked with additional payment made to extend the stay beyond time first purchased.
- 86 Not parked correctly within the markings of a bay or space.
- 93 Parked in car park when closed.
- 95 Parked in a parking place for a purpose other than the designated purpose for the parking place.
- 96 Parked with engine running.

## **Off Street Enforcement:**

### **1.0 Introduction:**

The policy guidance has been agreed by Cabinet.

This document does not seek to prescribe a response for every set of circumstances. It does, however, indicate likely responses to typical representations that occur and in doing so, will assist the public to understand how their case will be approached and what evidence they should provide to support their representation.

Epping Forest District Council is committed to making sure that it provides Equality of Opportunity in how its services are delivered. This commitment has been translated into its core values by ensuring that different groups and individual needs are reflected in the delivery of service.

### **1.1 Parking Enforcement Policy:**

Epping Forest District Council's Civil Parking Enforcement Policy is a policy statement, designed to help to manage parking by providing a clear framework for effective off street parking management activities throughout the Epping Forest District.

On street parking enforcement throughout the District Council area is the responsibility of Essex County Council and is delegated to the North Essex Parking Partnership (NEPP) under the terms of an Agency Agreement. Epping Forest District Council only has powers to enforce in its own off street areas.

The policy is based upon prioritising clearly identified needs, such as those of people with disabilities, residents, visitors and businesses and will help to manage off street parking in Epping Forest on a fair and consistent basis.

The policy helps support a better and safer environment and will generally improve parking conditions in Epping Forest by:

- meeting the needs of those wishing to park in off street car parks owned or managed by EFDC;
- supporting effective parking management;
- seeking to improve sustainable access;
- meeting environmental objectives;
- focussing on customer needs; co-ordinating and being compatible with neighbouring Civil Authorities and providing a clear strategy for effective enforcement
- The policy seeks to meet the needs of all road users and to clearly prioritise different parking enforcement requirements in Epping Forest. The aim is to manage parking in Epping Forest on a fair and consistent basis.

## **1.2 Parking Management:**

Parking management includes the enforcement of off-street parking regulations.

Illegal parking is inconsiderate, and it can be dangerous. Under civil enforcement, the Council is directly responsible for all off street parking enforcement in Epping Forest.

The policy supports effective parking management by:

- Coordinating off-street parking enforcement management to ensure a comprehensive approach.
- Allocating parking permits/waivers/season tickets with clear conditions of use based on transparent and consistent principles.
- Promoting a policy that gives priority in accordance with the defined hierarchy of parking enforcement; and:
- Maximising the potential of the Council's information technology system to support an effective and efficient parking management operation.

Sensible and safe parking within Epping Forest will be encouraged, as will greater compliance with the Off-street Regulations and Traffic Regulations concerning parking. These regulations will not change as a consequence of the change in enforcement provider parking provision will become more responsive to the public's needs because Epping Forest District Council controls both the provision and management of off street parking.

The policy focuses on customer needs by:

- Ensuring an efficient, robust and customer-friendly parking system.
- Effective tackling of parking fraud, and abuse of the Blue Badge Scheme.
- Ensuring an effective, fair and consistent enforcement operation to maximise compliance with Epping Forest's parking regulations.
- Consulting and communicating with both internal and external stakeholders to inform parking management issues.
- Taking into account the needs of local residents, shops and businesses, thereby sustaining the District Council's economic growth.
- Actively supporting the needs of disabled people, bearing in mind that, in some cases, they are unable to use public transport and are entirely dependent upon the use of a car. This will ensure that people with disabilities are able to have equal access to all facilities within the District.
- Actively discouraging indiscriminate parking that causes obstruction to other motorists by being an active member of the Joint Committee of NEPP.

## **1.3 The policy will be regularly reviewed and will take into account:**

- a) Existing and predicted levels of demand for parking.
- b) The availability and pricing of off -street parking.

- c) The nature and extent of on-street parking restrictions
- d) The accuracy and quality of existing signs and bay markings
- e) The levels of compliance that Epping Forest District Council considers to be acceptable and the level of enforcement necessary to achieve them.
- f) The views of the Essex County Council, NEPP and others as appropriate.
- g) The provision of suitable parking facilities for disabled people and those with accessibility issues.
- h) The provision of suitable parking facilities for cyclists and motorcyclists.
- i) Consideration of the Council's overall aims with regard to the environment, fear of crime within the District and sustained economic growth of the District.
- j) Changes to the enforcement regime as a result of changes to legislation, statutory guidance or best practice.

#### **1.4 Implementation:**

It is the Council's intention that the implementation of this policy and Civil Parking Enforcement across EFDC will be undertaken by means of an Enforcement Contract with an external provider. At the time of drafting of this policy, the contract is with NSL Ltd., for a period of 5 years.

#### **1.5 The Council's Intentions**

The Council's intention is that it will operate the civil enforcement parking operation as a partnership with the residents, businesses and visitors. This has the dual aims of providing a better service and of developing a flow of information for the public.

It will also concentrate on learning from the bottom up, by ensuring that local activity and feedback will be continually reflected in the parking restrictions and the quality and services within the car parks.

The key channel of continual feedback will be from the Civil Enforcement Officers (CEOs) and parking related correspondence from the public.

The Council will approach the exercise of discretion objectively and publish policies on the exercise of discretion. This document is the key one relating to the exercise of discretion by staff when operating on-site. Another section within the overall policies concerns the exercise of discretion *after* a penalty charge notice has been issued, and should be read in conjunction with the content of this document.

#### **1.6 Pay & Display Tickets:**

All of the District Council's car parks operate as Pay & Display and or cashless parking areas.

Pay & Display requires the purchase of a ticket at the time of parking for the amount of time required. All tickets display the expiry date and time on them along with the fee paid and car park. (In some car parks the driver is required to enter the vehicle's registration numbers into the machine). These will also appear on the ticket and are designed to prevent illegal transfer of the ticket from one vehicle to another. The car park fee tariff is clearly displayed adjacent to each machine.

Pay & Display Tickets must be:

- Clearly displayed whilst the vehicle is parked.
- For the date shown.
- Valid for the duration parked
- For the car park indicated.
- For the vehicle indicated – where applicable.

Representations made because the driver failed to correctly display a valid ticket even though one was held will not be allowed as it is incumbent upon the driver to ensure that the ticket is clearly displayed throughout the time that the vehicle is parked. Exceptions to this may be permissible where the ticket can be identified as being vehicle specific through recording of the Vehicle Registration Mark (VRM) and that it covers the time of the alleged contravention.

Representations made because the driver did not have change will not be upheld.

Representations made because of delays returning to the car park will be dealt with in accordance with 'mitigating circumstances'.

Where cashless parking is available and is the chosen method of payment, then the need to pay and display is removed. Vehicle details will always be checked against the cashless database system in real time by the Parking Officer where there is nothing on display. Should such a check show that payment by means other than pay and display has not occurred or the vehicle is parked beyond the paid for time, then a PCN shall be issued.

## **1.7 Permits:**

### **Resident's Permits:**

- Failure to display a permit is an offence and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit within another car park, on another vehicle or after its expiry date is also an offence for which a PCN will be issued. The PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

### **Visitors Permits:**

- Visitor's permits are obtained by residents and issued to genuine visitors to their homes. Full instructions on how to use and display them are printed on the permits. Permits are valid only within the car park printed on its face.
- Failure to display a visitor's permit is an offence and will result in a PCN being issued, which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a permit within another car park, on a vehicle other than that indicated on the permit and on a date other than that indicated on the permit is also an offence for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

## **1.8 Car Park Season Tickets**

- These may be issued in the same manner as resident Permits and are valid only in the specified car park, for the vehicle and before the expiry date printed on the face of the season ticket.
- Failure to display a season ticket is an offence and will result in a PCN being issued which should not be cancelled unless there are mitigating reasons why the permit was not displayed.
- Use of a season ticket within another car park, on another vehicle or after its expiry date is also an offence for which a PCN will be issued. Again the PCN should not be cancelled unless there are mitigating circumstances that account fully for the contravention.

## **1.9 Business Permits**

- These may be issued to local companies/traders that are actively involved in carrying out their businesses in the vicinity.
- They are subject to the same terms and condition of use as Resident's permits.

## **1.10 Exemptions, dispensations and suspensions**

Section 1 of the Department of Transport Statutory Guidance contains information on how enforcement is undertaken by Civil Enforcement Officers. It details the contraventions that may give rise to issuing a PCN and the usual exemptions to these. Exemptions are signed for each individual car park and stated in the relevant Off Street Parking Places Order.

### **Suspensions:**

Designated parking bays, off-street, may be suspended for the following reasons:

- To allow maintenance of adjacent property where access is required for deliveries, essential vehicles, skips, scaffolding etc. (Cars will not be considered as "essential vehicles" and will be expected to park in accordance with parking restrictions).
- Maintenance to trees.
- At the request of the Police.
- For security reasons.
- Any other reason accepted by the Council.

Applications for suspensions must be received at least 10 working days prior to the required date and must be made to the Car Park and Street Furniture Team. The Council's decision is final.

If granted, suspensions of parking bays / spaces will be clearly signposted by means of temporary signs which will indicate the exact location and extent of the suspension, with the start and finish dates and times. These signs will be displayed at least a day before the suspension comes into operation.

Vehicles parked in contravention of a suspension will receive a PCN.

## **Dispensations:**

The following vehicles will receive automatic dispensation from restrictions:

Police, Fire Rescue Service or Ambulances, only whilst attending emergencies.

Vehicles displaying valid disabled permits (see appropriate Section 32 on Blue Badges).

Dispensations may be granted on prior approval for the following:

- Maintenance to adjacent buildings.
- Any other similar reason accepted by the Council.

If granted, dispensations will be issued to the applicant by way of written/virtual authority, which must be clearly displayed on the vehicle whilst parked. A copy will be held by the patrolling Parking Officer and a further copy kept, with the application, by the Car Parks and Street Furniture Team.

A charge, per vehicle per day/per bay, may be made at the discretion of the Authorised Officer.

## **Disabled Drivers/Passengers:**

Blue badges are issued to either a disabled driver or a disabled passenger. They can only be used when the vehicle is being used to transport the disabled person. It is not permitted to use the badge for any other purpose e.g., shopping for the disabled person who is not him/herself being transported in the vehicle.

Blue badges must be clearly and properly displayed whilst the vehicle is parked.

Failure to do so will result in a PCN being issued for the contravention of the relative parking restriction. When considering the matter the Council will take into account previous contraventions by the same vehicle and/or badge holder for failure to display a disabled badge. Where no previous contravention has occurred the representation should be allowed, providing proof of the existence of a valid badge is supplied. In such circumstances the letter sent to the person making the representation should make it clear that this contravention will be taken into account when considering any future contravention and that this may lead to future representations being rejected.

Providing the Disabled Badge is clearly and properly displayed the Badge Holder can park in accordance with details provided on the car park information boards.

Disabled Badge Holders are not allowed to park in any area where there is a loading restriction. Parking must always be in accordance with the Blue Badge Scheme.

Parking Officers now have the right to inspect Blue Badges for authenticity.

## **Council Car Parks:**

For an unlimited or specified time, wherever possible the driver should park in designated disabled bays. The conditions of use may vary from car park to car park but will be clearly signed.

## **2.0 Legal framework:**

The Traffic Management Act Statutory Guidance issued by the Department of Transport states:

*“The Secretary of State considers that the exercise of discretion should, in the main, rest with back office staff as part of considering challenges against Penalty Charge Notices and representations against Notice to Owners. This is to protect CEOs from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.*

*However, the enforcement authority may wish to set out certain situations when a CEO should not issue a PCN. For example, an enforcement authority may wish to consider issuing a verbal warning rather than a PCN to a driver who has committed a minor contravention and is still with, or returns to, the vehicle before a PCN has been served. The enforcement authority should have clear policies, instructions and training for CEOs on how to exercise such authority. These policies should form the basis for staff training and should be published.*

*Enforcement authorities should ensure that CEOs are properly trained to enforce parking controls fairly, accurately and consistently. As well as formal training, it is recommended that authorities include some supervised on-street training to familiarise CEOs with the area and any special parking provisions. Enforcement authorities should make sure that CEOs understand all relevant exemptions, such as those applying to diplomatic vehicles and the Blue Badges issued to disabled people. CEOs should be aware of their powers to inspect Blue Badges and the sensitivity required should they need to exercise them.”*

### **2.1 Legislation**

The statutory acts governing parking enforcement are: The Traffic Management Act (2004) and The Road Traffic Regulation Act (1984).

If a driver is querying the legislation it should be explained to him/her in simple terms. There is no need to supply specific reference, unless especially requested.

When such a request is made the Council will make reference to specific, relevant paragraphs and will quote them verbatim within any correspondence. The Council will not supply full copies of the relevant acts, which can be obtained from Her Majesty’s Stationary Office (HMSO) or, in the case of the 2004 Act, accessed via the internet

If the keeper is specifically querying the authority behind a specific restriction then reference should be made to the relevant Off Street Parking Places Order, held by the Council. Prior to any correspondence with the keeper this order should be checked to ensure the validity of the PCN. If any doubt exists then the PCN should be cancelled and the decision communicated to the keeper.

### **2.2 Abandoned Vehicles Clamping & Removal**

It is not the intention to carry out Clamping & Removal in Epping Forest District Council at this time although this decision may be reviewed in the future

Where a vehicle remains parked, in a Car Park area, for a period during which multiple PCN’s are issued (multiple = 3) for the same contravention. The Parking Officer will report the vehicle as potentially abandoned and it will be dealt with by the District Council’s abandoned vehicle section under the provisions of Refuse Disposal (Amenity) Act 1978.

Criteria used in identifying Abandoned Vehicles:

1. Untaxed.
2. General poor condition.
3. No evidence of movement
4. Multiple PCN's attached to the vehicle

Whilst the vehicle is being dealt with as potentially abandoned no further PCN's will be issued. Issued PCN's will be enforced against the registered keeper of the vehicle in the normal way. The District Council and Essex Police abandoned vehicles protocols shall continue to apply.

### **3.0 The Civil Enforcement Officer (CEO) and their role**

The Councils have established criteria for the use of traffic management controls which are represented on the ground by signs and lines made through the mechanism of traffic regulation orders (TROs). It is important for all of the public that these are enforced; that will reduce accidents, improve traffic flow, help residents and create better facilities for both shoppers and business. In the off street car parks the terms and conditions of the car parks are made by EFDC in their Off Street parking Places Orders under the powers granted by the Road Traffic Act Regulation 1984.

The role of the CEO is defined by the Council and its enforcement contractor and they will all attend recognised training courses. It is important that there is a public understanding that they are not there to "just issue tickets", but are trying to ensure consistent compliance in respect of the parking controls. They have no targets, and in fact the ideal solution would be total compliance with the parking regulations and no parking tickets being issued. All CEOs and Enforcement staff are employed at the time of approval of this policy by NSL Ltd. The Back Office staff dealing with appeals and challenges are employees of the Council.

Civil Enforcement Officers (CEOs) are the public face of parking enforcement and for the purpose of this document are referred to as Parking Officers. They are deployed from the enforcement contractor approved by Epping Forest District Council to enforce parking restrictions in off-street car parks. They wear an appropriate uniform displaying the badge of the Council and the Contractor, the hours of operation and the beats are flexible to address parking management issues that vary between town and district centres.

The beats of the Parking Officers are established by the approved Council contractor in agreement with the Council's Car Park Manager.

Requests from the public for targeted enforcement will be addressed where appropriate. Priority will be given to requests received from the Police.

#### **3.1 What is it that they cannot do?**

The CEOs cannot comment on:

- The parking regulations on street.
- The off street regulations in the car parks.
- Whether other motorists have found the signing difficult to understand.
- Whether a penalty charge notice which has been issued, may be cancelled.
- The Council's declared policies.

#### **3.2 What can the CEOs do?**

- Listen to the motorist.
- Write down their concerns.
- Take a name and address for correspondence to answer questions.

- Use their common sense in deciding on a course of action.
- Explain to the motorist that if they wish to escalate their issue it must be in writing as per the details on the rear of the PCN.

### **3.3 CEO Uniforms**

Civil Enforcement Officers shall wear such uniform as the Secretary of State may determine when exercising prescribed functions, and shall not exercise any of those functions when not in uniform.

The Secretary of State has determined that: Civil Enforcement Officers' uniforms must be readily distinguishable from those worn by the Police and must include the following:

- Clear identification that the wearer is a Parking Officer.
- Clear identification of the Local Authority on whose behalf the Parking Officer is acting.
- A personalised number to identify the Parking Officer which may contain letters as well as numbers.

Epping Forest District Council's Enforcement Contractors Parking Officers will wear a uniform which will consist of:

- Reflective Vest and/or Coat showing "Parking" on the back.
- Hat – in green.
- Transferable epaulettes showing Enforcement Officers number.
- All Enforcement Officers will carry appropriate ID cards.
- Body Cameras.

### **3.4 What do we mean by the exercise of discretion?**

The Council, having agreed that CEOs should be alert to local situations and environment, and should not be over zealous in ticket issuing, have developed evidential and observational criteria and special considerations in respect of penalty charge notice issue.

It is important to identify that there are certain contraventions of regulations that will not be tolerated, except under exceptional circumstances; for example, we will always enforce against dangerous or particularly selfish acts such as:

Parking in bays for Blue Badge holders with no badge displayed.

The policy on discretion follows on from the above. The list below is not exhaustive but indicative, and relies on the individual CEO to exercise his or her discretion in particular circumstances. Should a penalty charge notice still be issued in a particular circumstance, the parking office staff will provide a detailed explanation of why it was issued, as well as options for paying the charge, or appealing against it.

They will be alert to a range of issues to assist the exercise of their discretion relating to the issue of penalty charge notices. The following list is not exhaustive but demonstrates what the Council have agreed as base lines, and from this the CEO will make their decision about the possible issue of a PCN. It should be noted that they will always be gathering evidence of a possible contravention, including the taking of digital photos (but only vehicles and location) as well as notes in their pocket book. This is to demonstrate fairness and equality to their managers and Council Officers and not any bias or favouritism which may lead to suspicion of bribery.

They will be aware of:

- An adult struggling with shopping.
- Difficulty being experienced with a number of children.
- A person with a disability or a passenger with a disability.
- Marginal time lapse in obtaining a pay and display ticket.
- Non functional pay and display equipment.
- Breakdowns waiting for assistance.

This CEO discretion policy is based on these basic rules:

- The CEOs will show a duty of care to the public overall when carrying out enforcement.
- They will enforce in a sensible manner.
- They will recognise that they are operating within a democratic process.
- They will recognise that they are allowed to show discretion.
- They will report matters back to their Supervisor so that considered decisions from information gathered on the ground can be taken.

### **3.5 Civil Enforcement Officers' Pocket Book / Notebook**

The Parking Officers shall maintain a separate pocket book in which they shall note daily details of their patrols, PCN's issued etc. These books shall be kept in addition to any details entered into their handheld computers. They will be made available to the adjudicators in the event of a PCN being challenged through the independent adjudication process and will assist the investigation of any challenge or representation received by Epping Forest District Council.

Each Pocket Book will be numbered and when issued to the Parking Officer the number of the previous book used by that Parking Officer entered on its cover along with the Parking Officers name. Similarly when a pocket book is full the serial number of the new book issued will be entered on the cover.

All completed pocket books will be retained in the office of the enforcement contractor in numerical order. Each completed pocket book should have the Parking Officer's name, the serial number of the previous book and the serial number of the next book written on the front cover.

### **3.6 Complaints against Civil Enforcement Officers (Parking Officers)**

Allegations that a Parking Officer has made an error whilst issuing a PCN will be investigated under the normal Representations or Challenge procedures and a formal written notice of acceptance or rejection will be sent within the stipulated timescale.

Any allegation of misconduct or rudeness made against a member of the Contractor's enforcement staff will be investigated and dealt with through the Authorised Officer. The outcome of the investigation will be communicated to the complainant, in writing, within the stipulated timescale. Should the findings not be acceptable to the complainant, advice on how to invoke the Council's Formal Complaints Procedure will be given.

The 'Authorised Officer' of the District Council should be informed of the number of complaints being handled, the basis of the complaint and their current status or outcome on a monthly basis.

### 3.7 Observation

Prior to a PCN being issued, a Parking Officer may allow a period of 10 minutes to elapse between first observing the vehicle and the issue of the PCN. This is to satisfy national guidance as set out in the Deregulation Act 2015. With certain contraventions, however, this observation time is not appropriate (parking in a disabled bay is an instance). Furthermore, the Council reserves the right to reduce or remove the observation time to address local problems.

### 3.8 Enforcement Agents

Enforcement Agents, as agents of the court, are court officers. Of the many functions they perform, executing warrants is one that is likely to concern us most. These are court orders for the collection of money and/or goods of sufficient value to produce the required amount. For this purpose the enforcement agent will always have an appropriate vehicle nearby.

### 4.0 Penalty Charge Notices (PCN)

In Epping Forest District Council, all Penalty Charge Notices issued in the off street car parks are dealt with by the Car Parks and Street Furniture Team. The main advantage of this is that it ensures a clear and consistent approach to processing across the District. An Authority that issues the PCN is responsible for determining any formal appeal to the Traffic Penalty Tribunal (TPT) and is involved accordingly.

The following Section details how PCN's are processed in accordance with statutory requirements and local performance targets. It will give information on typical representations and the mitigating circumstances that are considered when dealing with these. In accordance with guidance. **All statutory correspondence will be sent by first class post.**

#### 4.1 Penalty Charge Notice - Content

In accordance with the statutory requirements and national best practice, the PCN must contain the following details;

- The date on which the notice is served.
- The name of the enforcement authority.
- The registration mark of the vehicle involved in the alleged contravention.
- The date and time of the alleged contravention.
- The grounds on which the Parking Officer serving the notice believes that the penalty charge is payable.
- The amount of the penalty charge.
- That the penalty charge must be paid not later than the last day of the period of 28 days beginning with the date on which the PCN was served.
- That if the penalty charge is paid not later than the last day of the period of 14 days beginning with the date on which the notice is served the penalty charge will be reduced by the amount of any applicable discount - currently by 50%.
- Payment methods.
- That if the penalty charge is not paid before the end of the period of 28 days beginning with the date on which the PCN was served a notice to owner (NtO) may be served by the enforcement authority on the owner of the vehicle.
- That a person on whom an NtO is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected.
- If representations against the penalty charge are received at the specified address before the NtO is served they will be considered.

But if an NtO is served notwithstanding those representations received against the penalty charge before the NtO is served, those representations must be made in the form and manner and at the time specified in the NtO:

- vehicle make and colour (if evident);
- detailed location of vehicle (name of car park);
- the contravention code;
- observation start and finish times (where appropriate);
- PCN number (all PCNs should be uniquely identifiable);
- Parking Officer's identification number;

The Parking Officer shall also record all other relevant details on the hand held computer terminal (HHCT) and pocket book, and valve positions if appropriate. In addition the Parking Officer will take a number of photographs to clearly show the registration number, the parking contravention and the PCN affixed to the windscreen.

#### **4.2 Service of a PCN by post**

There are two circumstances in which a PCN (a "regulation 10" PCN) may be served by post:

- If the Parking Officer has been prevented by violence from serving the PCN either by affixing it to the vehicle or by giving it to the person who appears to be in charge of that vehicle.
- If the Parking Officer had started to issue the PCN but did not have enough time to serve it before the vehicle was driven away and would otherwise have to write off or cancel the PCN.

In any of these circumstances a PCN is served by post on the owner (whose identity is ascertained from the DVLA), and also acts as the Notice to Owner. Postal PCN's should be sent within 14 days of the contravention.

#### **4.3 Prevention of Service by violence etc.**

A PCN may be served by post if the Parking Officer attempted to serve it by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person. This includes situations where the person who appears to be in charge of the vehicle is abusive or prevents service indirectly through intimidation or directly through threats or actual physical force.

In such circumstances, the actual PCN issued by the Parking Officer on patrol cannot be served by post because the information it gives is insufficient. The regulation 9 PCN issued by the Parking Officer should be cancelled and a regulation 10 PCN served by post. Enforcement authorities should ensure that they have sufficient primary and supporting evidence to deal with any subsequent representations and appeals and will wish to obtain a witness statement from the Parking Officer. Back-office staff should trace the relevant registered keeper's address via the DVLA. In these circumstances the motorist gets 14 days discount period for payment of the PCN.

#### **4.4 Prevention of service by "drive away"**

A PCN may also be served by post if the Parking Officer had begun to issue the PCN - i.e. had completed his/her observation and had either started to write the PCN or input data to the HHCT and would, in other circumstances, have to cancel the PCN - but the vehicle was driven away from the place in which it was parked before the Parking Officer had finished issuing the PCN or been able to serve it.

In such circumstances, the actual PCN issued by the Parking Officer on patrol cannot be sent by post because the information it gives is insufficient. The regulation 9 PCN issued by the Parking Officer should be cancelled and a regulation 10 PCN served by post. Enforcement authorities should ensure that they have sufficient primary and supporting evidence to deal with any subsequent representations and appeals and will wish to obtain a witness statement from the Parking Officer. The Secretary of State recommends that the Parking Officer informs the motorist of the contravention before the drive away. Authorities will wish to keep a record of which Parking Officers ask for a regulation 10 PCN to be issued and considers whether there is anything in the way in which the officer is working that has contributed to this. Back-office staff should obtain the relevant registered keeper's home address from DVLA.

In these circumstances the motorist gets a 14 day discount period. The PCN, which serves also as the NtO, **must** be served using first class post and state:

- The date of the notice, which must be the date on which it is posted.
- The name of the enforcement authority.
- The registration mark of the vehicle involved in the alleged contravention.
- The date and time at which the alleged contravention occurred.
- The amount of the penalty charge.
- The payment methods.
- The grounds on which the enforcement authority believes that a penalty charge is payable.
- That the penalty charge must be paid not later than the last day of the period of 28 days beginning with the date on which the PCN is served.
- That if the penalty charge is paid not later than the last day of the period of 14 days, beginning with the date on which the PCN was served, it will be reduced by the amount of any applicable discount - currently by 50%.
- That if after the last day of the period of 28 days no representations have been made and the penalty charge has not been paid, the enforcement authority may increase the penalty charge by the amount of any applicable surcharge - currently 50% - and take steps to enforce payment of the charge as so increased.
- The amount of the increased penalty charge.
- That the PCN is being served by post because a Parking Officer attempted to serve a PCN by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person.
- That representations may be made to the enforcement authority against the imposition of the penalty charge but that representations made outside the period of 28 days beginning with the date on which the PCN is served may be disregarded.
- The basis on which representations may be made.
- The address (including any e-mail address) to which representations must be sent.
- The form in which representations must be made.
- That if the representations are not accepted by the enforcement authority the recipient of the PCN may appeal against the authority's decision to an adjudicator.

A PCN **may not** be served by post if the motorist returns to the vehicle before the Parking Officer has started to issue the PCN. If the Parking Officer is observing the vehicle she/he has NOT started to issue the PCN. Jotting down some details is not part of starting to issue the PCN. It is only when the Parking Officer starts to create the PCN and would otherwise have to formally cancel it that she/he has started to issue the PCN. If the Parking Officer has not started to issue the ticket and the motorist returns, they should establish whether the vehicle is parked in contravention. If the vehicle is in contravention, the Parking Officer should ask the motorist to bring him/herself inside the restrictions.

#### **4.5 Penalty Charge Rate**

The implementation of Part 6 of the Traffic Management Act 2004 on 31<sup>st</sup> March 2008 saw the introduction of differential charges. Penalty Charge Notices are issued at a Higher or Lower rate depending upon the severity of the contravention. The higher or lower charge is dictated by the contravention and code used and is not at the discretion of the Council.

The PCN rate has been set at £70 /£50 for Epping Forest District Council. Any increase will only be possible by guidance from Central Government and will require proper advertisement prior to introduction. If paid within 14 days of issue the PCN rate is discounted by 50% and will be accepted in full settlement.

#### **4.6 Penalty Charge Notice: Administrative Process**

At the date of this Guidance, the PCN rate in the District is set at £70 higher/£50 lower for off-street contraventions. In accordance with statutory requirements, a discount amount of 50% of the penalty charge is available within 14 days of PCN issue.

Payment of the PCN is accepted in a variety of ways. The PCN contains information on how to pay via the internet, by telephone or by post to the District Council. Once full payment is accepted by the Council the case is closed on that date and all further enforcement action ceases.

As a general rule the Car Park and Street Furniture Team does not offer either extended time in which to pay PCNs nor will they enter into instalment payment arrangements. Exceptions to this are only made in cases of demonstrated, genuine financial hardship agreed with the manager although such arrangements will not be considered if an Enforcement Agent warrant(s) has been issued for recovery of the amount due. Applications must be in writing and will be responded to within 8 working days and the application must contain proposal for payment and be accompanied by any evidence supporting the claim of financial hardship.

For all cases, the following procedures will normally be followed and detailed in the response:

- Where the debt involves multiple PCNs the Council expects the settlement of at least one per month.
- Payments will be applied to the oldest PCN first thereby preventing the payment of discounted PCNs first.
- Wherever possible, payment to be made by post-dated cheques to be held by the Council for presentation on the due dates.
- Non-payment of any cheque will result in enforcement action being recommenced and all un-banked cheques being returned to the drawer with a letter stating that the arrangement is cancelled.
- Where payment by cheque is not available, payments by postal order or credit card will only be accepted by the Council.
- The Council will maintain a separate active file for each arrangement reached which will be reviewed by the Assistant Director Technical Services.

The penalty charge is usually payable by the owner/keeper of the vehicle except if the vehicle was hired at the time of the contravention. The charge is not payable if criminal proceedings have been taken or a Fixed Penalty Notice issued with respect to the contravention.

If no payment or challenge (see below) is received, A Notice to Owner will be issued no sooner than 28 calendar days after the PCN was issued. Details of vehicle ownership will be supplied by the DVLA. Included with the Notice to Owner will be copies of all evidence relating to the PCN issued to reduce the likelihood of unfounded representations.

Should a PCN be issued on a vehicle with a diplomatic registration plate, then the Notice to Owner will not be sent but a record of the fine will be kept and passed to the Foreign and Commonwealth Office annually for pursuit.

If the PCN has not been paid within 28 days of the Notice to Owner being issued and no representation or appeal is being considered then a charge certificate will be issued. This will increase the penalty charge from £70/£50 to £105/£75.

14 days after the issue of a charge certificate, an informal pre-debt registration letter will be sent informing the vehicle owner that the matter will be passed to the Traffic Enforcement Centre for registration as a debt. This is not a legal requirement but is a procedure based on national good practice that often results in payment being received at this stage.

If the penalty charge is not paid 14 days after the pre-debt registration letter has been issued, the authority will apply to the Traffic Enforcement Centre at Northamptonshire County Court to register the debt. The current registration fee of £7 is added to the debt.

If payment continues to be withheld, the debtor is sent an Order for Recovery and Statutory Declaration advising of a further 21 day period to either pay the debt or swear a Late Witness Statement.

A Late Witness Statement must be witnessed by a Justice of the Peace or Commissioner for Oaths. It is a criminal offence to file a false statutory declaration knowingly or willingly. There are only 3 grounds for making a statutory declaration:

- The Notice to Owner was not received. If this is accepted by the Court, the issuing authority must re-issue the Notice and re-set the penalty charge to £50
- A formal representation was made to the issuing authority but the rejection notice was not received. If accepted, the issuing authority must then treat the case as a formal appeal and forward all relevant paperwork to the Traffic Penalty Tribunal (TPT).
- An appeal was made to TPT but no response has been received. If accepted, all paperwork is to be forwarded to TPT to determine.

Failure to either pay or complete a Statutory Declaration will result in the authority applying for a Warrant of Execution from the Traffic Enforcement Centre.

Once a warrant of Execution is issued, the authority will instruct approved Enforcement Agents to collect the debt on their behalf.

**The vehicle owner may dispute the issuing of the PCN at three stages:**

- After the PCN has been issued but before the Notice to Owner is issued. This is known as the **informal representation or challenge**.
- After the Notice to Owner has been issued. This is known as the **formal representation**.
- If the formal representation is rejected, the vehicle owner may then **appeal** to the **Traffic Penalty Tribunal**.

#### **4.7 Penalty Charge Notice – Discount Period:**

The PCN rate has been set at £70 /£50 for off street parking contraventions. This is subject to regular review. This differential charge has been introduced so lesser contraventions carry a lower charge but more serious ones carry a higher charge. If the PCN is paid within 14 days of being served the PCN rate is discounted by 50% and payment of this amount will be accepted in full settlement.

If a challenge is received from the keeper within 14 days of issue of the PCN, the discounted period will be frozen pending the Council's decision. Should the challenge be rejected the discount period will restart from the date of the notice of rejection. This fact should be included within the notice itself.

If the challenge is received more than 14 days from issue of the PCN the discount period will not be frozen and the full amount of £70 /£50 is payable in the event of the challenge being rejected.

If a Notice to Owner (NtO) is sent to the keeper who subsequently states that the PCN was not received at the time of the offence the discounted amount will be accepted if paid within 14 days. This should be communicated in writing to the keeper with the restarted discount period starting from the date of the letter.

When it is claimed that the PCN was not received, the notice processing system will be interrogated to ensure that previous such claims have not been made by the same person. If there is a history of such claims the discounted period should not be restarted and the full amount paid.

#### **4.8 Pre-Debt Registration Letter:**

There is no requirement for a Local Authority to send a further reminder once a Charge Certificate has been issued. Epping Forest District Council, however, will send a Pre-Debt Registration Letter 17 days after the issue of the Charge Certificate to inform the debtor that unless the matter is settled within 14 days the debt will be formally registered at the Traffic Enforcement Centre (TEC) and the matter placed into the hands of the Council's Enforcement Agents who will have the right to recover the debt by seizing goods to the value thereof.

Past experience has demonstrated that such letters do generate responses in the majority of cases and will lead to a good proportion being settled

#### **5.0 Penalty Charge Notice appeal:**

Within 10 working days of receipt of a formal representation from the keeper of the vehicle a written Notice of Acceptance or Rejection will be sent by the District.

##### **Notice of Acceptance:**

This will confirm that the representation has been accepted and that the person's liability for the PCN has been cancelled.

##### **Notice of Rejection:**

This formally rejects the representation and gives detailed reasons why the Council has come to this conclusion. The rejection is also accompanied with the necessary forms and instruction on how a further representation can be made to the independent Traffic Penalty Tribunal (TPT). – This representation must be made within 28 days of receipt of the notice of rejection.

Should the appellant decide to progress the appeal to TPT, they will be able to decide whether to proceed with a written appeal or attend a hearing to put their case. An independent adjudicator from TPT will consider the case in due course and his or her decision is considered final. Further information on the appeals procedure can be found on the TPT website at <http://www.parking-appeals.gov.uk>

Claims that a PCN was issued before the time that an offence is deemed to be committed, requires careful investigation.

The issue of PCN's is controlled by Hand Held Computers carried by each Parking Officer. These computers have in built clocks, which are calibrated each morning prior to commencement of the patrols. They will always impose a ten-minute observation period prior to allowing a PCN to be issued. These times will appear on the PCN itself as "Time First Seen" and "Time of Issue". The computer system will prevent any subsequent alteration to these times.

The normal procedure is for a Parking Officer to enter the observation details into the computer, then to continue with his/her patrol before returning to the vehicle to complete the issue of the PCN. In all cases a minimum of ten minutes must be allowed between observation and issue.

This section of this Guidance contains information on how appeals are addressed by the Car Park and Street Furniture Team. This is not prescriptive guidance as it is recognised that each case must be assessed on its own merits. All grounds for a cancellation that are submitted will be considered fairly and objectively. The advice that follows should therefore be regarded as guidance only on the likely grounds for appeal and the type of evidence that would best support each case.

The Authority that issued the PCN has the power of discretion to cancel the PCN at any point in the process even if it established that a contravention did occur. Councillors can discuss individual cases of a PCN that has been served; however they are not permitted to play a part in deciding the outcome of individual challenges or representations.

The PCN as issued contains advice on how the motorist can appeal if they wish to do so. In the first instance, this will be via informal representation or challenge.

#### **5.1 Intervention in Challenge & Representation Processes by Elected Members and Other Officers:**

The process of dealing with challenges and representations against the issue of PCNs is well documented and will be carried out in a fair, unbiased and equal manner. These procedures include the ultimate right of all appellants to refer the matter to an independent arbitrator (TPT).

To preserve the integrity of these procedures they will be managed and carried out by the Authorised Officer. No undue external pressure shall be brought, by either members of the Council or other senior officers, designed to unduly influence the decisions by virtue of their position alone.

#### **5.2 Challenges/Representations Accompanied By Payment:**

To avoid the loss of the discount period or to avoid County Court action keepers may opt to enclose settlement of the PCN with a challenge or formal representation. In such circumstances the Council must act in good faith and deal with the challenge/representation in a fair and equitable manner. At the same time the Council must comply with its own financial regulation regarding the banking of payments.

Challenges and representations accompanied by a payment will be separately logged, and will be dealt with as a priority. If the challenge/representation is successful the payment will be returned to the keeper with the letter of acceptance. If the challenge is unsuccessful the payment will be immediately banked and the keeper duly notified that we have accepted it in full or part settlement as part of the rejection notice.

Where an investigation is required that will take more than 5 days a letter should be sent to the keeper stating this and informing him/her that "In accordance with the Council's Financial Regulations" the payment has been banked pending the outcome of the investigation. Should the challenge/representation be upheld the Council would immediately make arrangements for a refund to be issued to the keeper. Any letter of acceptance or rejection sent to the keeper must make specific reference to the fate of the payment.

### **5.3 Informal Representation:**

Within 14 days of issue of a PCN being issued, the keeper of the vehicle may make a written challenge against the issue of the PCN. Within this challenge she/he can mention any mitigating circumstances as well as challenging the validity of the PCN.

The Council must respond, in writing, within 28 working days as suggested in the guidelines set out by the Secretary of State of receipt of the challenge and must either give notification of acceptance of the challenge and cancellation of the PCN or rejection of the challenge.

If a challenge is rejected the written notification from the Council must give precise reasons why this decision has been reached. Providing the written challenge was received within 14 days of the PCN being issued the discounted rate will be restarted and last for 14 days from the date of the rejection notice.

If a challenge is received later than 14 days from the date of the PCN issue it will be dealt with in the same way i.e. the discounted period will normally be restarted. This fact should be included within the notice of rejection.

The making of a challenge in no way detracts from the ability of the keeper to make a subsequent formal representation against the issue of the PCN to the Council or to the TPT.

### **5.4 Formal Representation:**

When the Notice to Owner is issued, the vehicle owner will be provided with information on the statutory grounds for appeal. As with informal representations, formal representations must be in writing. The six statutory grounds to appeal are as follows:

- (a) That the recipient:
  - (I) Never was the owner of the vehicle in question.
  - (II) Had ceased to be its owner before the date on which the alleged contravention occurred; or
  - (III) Became its owner after that date.
- (b) That the alleged contravention did not occur.
- (c) That the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner.
- (d) That the relevant designation order is invalid.
- (e) That the recipient is a vehicle-hire firm and:

- (I) The vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and:
  - (II) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice fixed to the vehicle during the currency of the hiring agreement;
- (f) That the penalty charge exceeded the amount applicable in the circumstances of the case.

In addition to the 6 statutory grounds for appeal the Council is also obliged to consider any mitigating circumstances and the owner/keeper is required to give full details and supporting evidence of any such circumstances.

More detail on these grounds for appeal is given in the next section together with supporting evidence that would be appropriate to the case. Furthermore, the list contains advice on a further area for appeal; mitigating circumstances. As stated above, it is recognised that each case is different and situations occur that are beyond the control of the motorist and in which cases it would be unreasonable to pursue the PCN. This cannot be an exhaustive list but it does offer guidance on likely scenarios that would warrant cancellation of the PCN.

#### **5.4.1 That the Recipient never was the owner or had ceased to be the owner:**

Where a recipient makes representation he or she is legally obliged to include a statement of the name and address of the person to whom the vehicle was disposed of (or from whom it was acquired, as the case may be) if that information is in the recipients possession

#### **5.4.2 The Contravention Did Not Occur:**

The recipient claims that the alleged contravention did not occur.

This means that the parking ticket was issued incorrectly because no illegal parking took place. For example, an appellant may claim that the Parking Officer was wrong because:

- I The motorist had a permit or ticket but the Parking Officer did not see it. Assuming that the valid ticket can be produced and the Parking Officer confirms that a ticket was in evidence that could not be clearly seen then representations are likely to be accepted. However, appellants should note that this reason will only be accepted if it is the first such representation on these grounds from that person. Repeat claims for subsequent PCNs for the same contravention are unlikely to be cancelled.
- II The motorist had a disabled badge on display but the Parking Officer did not see it. As with parking tickets, it is the motorist's duty to ensure that disabled badges are clearly displayed. However, proof of ownership and a first offence for that contravention is likely to warrant cancellation of the PCN.
- III The signs/markings were not in the correct position or had been damaged or were not visible.

Claims of this nature will be investigated with a site visit and the existing signs and lines will be checked against the appropriate legislation. An assessment will then be made as to the validity of the PCN. Any subsequent cancellation on the grounds of incorrect signs and/or lines will result in prompt rectification of the problem.

IV The date or registration number is incorrect.

The appellant will be asked to provide a copy of their current valid car registration documents which will be checked against the DVLA data. If this is shown to be different, then the PCN is likely to be cancelled.

V A PCN was never served on the vehicle.

It is accepted that PCN's are sometimes maliciously removed from vehicles. The Parking Officer should have photographic evidence to support the correct serving of the PCN. Where further evidence or investigations support the claim that the PCN was removed, the motorist will be given the opportunity to pay at the discounted rate for a period of 14 days from receipt of the notice of rejection.

VI The motorist claims that the adjacent pay and display machine was not working.

Claims of this nature can be verified from the service records of the appropriate machine. However, if there was another ticket machine available nearby that was working correctly and evidence confirms that other users had been able to purchase tickets at this time, then the PCN is unlikely to be cancelled.

VII The motorist was carrying out building works nearby and had a valid dispensation issued from the appropriate local authority.

As with other tickets and disabled badges, the receipt of a valid waiver that matches the details of the vehicle is likely to result in a cancellation of the PCN for a first offence for this contravention.

#### **5.4.3 Vehicle Taken Without Consent:**

That the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner.

Representations should in this instance be accompanied with a valid police crime report reference number. Claims that a family member or friend had unauthorized use of the vehicle will also need supporting with evidence that the police were contacted prior to or soon after the issuing of the PCN.

#### **5.4.4 Invalid Traffic Regulation Order:**

Claims made on these grounds are infrequent and are specifically concerned with the correct legal procedure for the making of the Off Street Parking Places Order. Claims are likely to be upheld if proof can be provided that the relevant Order that the vehicle was parked in contravention of was not properly constructed. For example, the correct consultation process had not been followed.

#### **5.4.5 Hire Vehicle:**

- (I) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
- (II) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice fixed to the vehicle during the currency of the hiring agreement;

Representations are likely to be accepted if the hire company can provide proof that the vehicle was hired at the time of the contravention (with a signed hire agreement that includes the appropriate liability clause for PCN's) and the company can provide the full name and address of the person who hired the vehicle. In these instances, a new Notice to Owner will be sent to the person named by the hire company.

**5.4.6** That the penalty charge exceeded the amount applicable in the circumstances of the case.

## **6.0 Mitigating Circumstances:**

Although the above 6 statutory grounds will cover most of the grounds for the cancellation of a PCN, it is recognised that there are many other mitigating circumstances that occur when it would be appropriate to consider cancellation of the PCN. Equally, in certain circumstances it would be correct for the authority to continue to claim the penalty charge. The following section details some of these in alphabetical order; this section also deals with some general policies and guidance for both enforcement issues and the processing of PCNs;

For their other activities they do not need a vehicle nearby, e.g. If they are serving a summons or warrant (not enforcing it). In such circumstances they would be expected to comply with parking restrictions.

When they are taking goods or high values in cash, we can exercise discretion where it appears reasonable to do so. Enforcement Agents are not exempt from legislation, however, an official badge or permit should be displayed on the vehicle and, further, the act of loading/unloading should be observed as taking place. Once goods have been seized the enforcement agent is required to list them prior to leaving the premises and this could legitimately take some time. In such circumstances we should ask for a warrant number, identification and confirmation of the nature of goods being seized before the PCN is either issued or subsequently cancelled.

### **6.1 Bank Holidays – Restrictions Applicable:**

Motorists cannot assume that restrictions apply to Bank Holidays unless this is specifically stated in the relevant signage. Enforcement on Bank Holidays should pay particular attention to known problem areas such as Car Boot Sales, Markets etc.

### **6.2 Bank Visits:**

Claims from individuals or companies that money is being taken to or from a bank will not be accepted as a reason to cancel a PCN. Motorists should be advised to contact the bank about future security arrangements.

### **6.3 Blocked Access:**

Drivers who claim that they were unable to gain access to their private or commercial property are not entitled to park in contravention of any parking restriction.

Where a restriction is in place a PCN may be issued to the vehicle providing it is parked in contravention.

### **6.4 Broken Down Vehicles (Also See “Vandalised Vehicles”):**

Claims of alleged breakdown should be accepted if they appear to be unavoidable and, if supporting evidence in the form of one or more of the following is produced:

- Garage Receipt, on headed paper, properly completed and indicating repair of the alleged fault within a reasonable time of the contravention.

- Till receipt for purchase of seemingly relevant spare parts purchased on or soon after the date of contravention.
- Confirmatory letter from the RAC, AA or other similar motoring organisation.
- Confirmation from the Parking Officer that the vehicle was obviously broken down.

Each case should ultimately be considered upon its own merits although previous cases where breakdowns have been accepted as mitigating circumstances should also be considered.

A note left in the windscreen, stating that “the vehicle has broken down” will not alone be accepted by a Parking Officer as reason for not issuing a PCN.

If no evidence is forthcoming, the PCN should be enforced.

Consideration should also be given as to how the vehicle became illegally parked in the first instance i.e. was it pushed from an unrestricted area or was parked in contravention of a restriction before the breakdown occurred.

Listed below are some areas of contention relative to the alleged breakdown of vehicles:

### **6.5 Flat Battery:**

The receipt for the purchase of a new battery, or parts that could cause a flat battery (alternator, solenoid etc.), should be requested. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.

In cases where it is alleged that the vehicle was bump/jump started and no other evidence received, the PCN should be enforced. (NB. Vehicles with automatic transmission cannot be bump started).

### **6.6 Flat Tyre:**

It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle’s wheel. If the vehicle is left unattended a PCN will be issued and will be cancelled only if it subsequently transpires that the driver was: elderly, disabled or infirm and had gone to obtain assistance. In such instances evidence from the assisting party is required.

If the wheel could not be changed because of a mechanical difficulty, evidence must be produced from the attending breakdown service supporting this.

Failure to carry a spare wheel is not sufficient reason to cancel a PCN.

### **6.7 Over-heating:**

All cases where it is claimed that the vehicle had overheated due to lack of water should be enforced unless it is directly attributable to a mechanical fault such as: broken fan belt, cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair must be produced.

### **6.8 Running Out Of Petrol:**

Unless this is due to a mechanical / electrical fault evidenced by repair all PCNs are to be enforced.

If it is apparent from previous records that the same driver is continuously trying to avoid liability for PCNs by claiming that his/her vehicle is broken down, this should be considered when deciding on whether or not to accept their representations.

Where representations are accepted on the second or subsequent occasion the keeper should be informed, in writing, that due consideration to previous incidents will be taken into account should another contravention be committed for the same reason.

#### **6.9 Clamping & Removal:**

It is not the intention to carry out Clamping & Removal in Epping Forest District Council at this time although this decision may be reviewed in the future.

#### **6.10 Court Attendance – Jury Service or Witness:**

The length or timing of any court hearing or trial cannot be guaranteed and often Jury members and/or witnesses find that they are unable to leave court to purchase further pay & display time in a car park. This often leads to overstay and to PCN's being issued. To counter this, the Courts issue clear instructions to all jury members and witnesses advising them as to how and where they should park.

The courts will not pay any PCN issued to a witness or Jury member whilst carrying out their legal duties even if they are delayed by the court.

In such circumstances the Council will enforce PCNs against the keeper unless evidence is produced to support the fact that they were delayed to an extent that could not have been reasonably foreseen; i.e. moved to a hotel overnight.

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a Council car park. In such instances the Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any PCN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

#### **6.11 Court Attendance – Defendants:**

The conditions applying to Jury Members and Witnesses equally apply to defendants. However, there have been instances when a defendant has unexpectedly been given a custodial sentence and, as a direct result, is unable to remove his/her vehicle from a Council car park. In such instances the Council will expect that the vehicle will be removed, as soon as is reasonably possible, by the defendant's family, friends or legal representatives. Any PCN issued will not be enforced providing supporting evidence is supplied by the defendant's legal representative.

#### **6.12 Dental/Doctors Appointments:**

If the claim is made that, due to a delay in the appointment time or that treatment took longer than anticipated and this resulted in a PCN being served for overstaying the parking time purchased, consideration should be given to the validity of the claim.

Such claims should be supported by written confirmation from the dentist or doctor that the delay was caused for reasons outside of the driver's control. However, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

### **6.13 Description of Vehicle – On PCN:**

When issuing a PCN the Parking Officer will note the make and registration number of the vehicle, which will appear on the PCN. He/she will also note other details such as positions of tyre valves, which will form part of the supporting records.

### **6.14 Incorrect Make:**

Although many manufacturers produce different models that look very similar it would be very difficult to enforce a PCN issued to a Vauxhall which turned out to be a Ford. In such cases serious consideration must be given to cancelling the PCN.

### **6.15 Diplomatic Vehicles:**

These fall into two categories: those with 'D' plates, which indicate that the driver has full diplomatic immunity, and those with 'X' plates, which indicate limited immunity.

- **'D' PLATES:** PCNs issued to 'D' plate vehicles should automatically be cancelled upon input to the processing system, although should the driver subsequently decide to make payment, it will be accepted. Details of these PCNs will be taken up with the Foreign & Commonwealth Office and payment may be obtained later.
- **'X' PLATES:** In effect these PCNs should be cancelled upon input. If correspondence is received from the driver and enforcement seems appropriate a request for payment should be made.

### **6.16 Drink Driving Or Other Arrest:**

If the driver of a vehicle has been arrested and, as a direct result, has been forced to leave the vehicle in contravention of a parking restriction any resultant PCN should be enforced.

In all cases of arrest claims the driver should be asked to provide date, time and evidence of arrest including custody number, officer and Police Station involved.

Where written evidence of the arrest cannot be supplied, confirmation should be obtained from the appropriate Police Station, by the Council, before the PCN is cancelled. Failure to supply or obtain supporting evidence of the arrest will lead to the PCN being enforced.

### **6.17 Dropping Off - Picking Up Passengers:**

It is deemed that two minutes is sufficient allowance for this unless it involves the elderly, disabled persons, young children or large amounts of luggage etc. Special consideration will be given to drivers of Hackney Carriages or Private Hire Vehicles who will need additional time to announce their arrival and accept payment. The Parking Officer will exercise reasonable discretion in such circumstances.

### **6.18 Emergency Duties:**

Doctors, nurses, midwives engaged on emergency duties are, wherever possible, expected to park legally. Should a PCN be issued, it will be cancelled only upon evidence of the emergency being provided.

Regular or programmed visits will not be considered an emergency.

### **6.19 Glaziers:**

Claims from glazier companies that a vehicle needed to be parked close to the location of an emergency repair should be treated leniently providing it is confirmed, from the Parking Officer's notes, that such activity was taking place at the time of the issue of the PCN.

PCNs will not be cancelled when issued to vehicles that are not actively involved in the work.

#### **6.20 Government Department Vehicles:**

Unless the reason for parking the vehicle was under exceptional circumstances PCNs issued to vehicles owned or operated by Government Departments should be enforced.

They are not exempt purely by virtue of the fact that they are operated by a Government Department.

If the vehicles are involved in exceptional activities such as surveillance by Customs & Excise or the Benefits Agency evidence to support this, in the form of a written statement from a senior manager on headed notepaper must be supplied.

Wherever possible, Government Agencies involved in such activities should be encouraged to give the Authorised Officer advance notice and details of the vehicle(s) involved.

#### **6.21 Hazardous Chemicals / Substances:**

Claims by companies that toxic or dangerous substances were being delivered or collected from a premise and, as a result, a PCN was incorrectly issued to the vehicle being used should be given careful consideration.

If so then serious consideration should be given to the cancellation of the PCN in view of the Health & Safety of the public.

Any such representation should be accompanied by documentary evidence showing the nature of the goods being delivered.

#### **6.22 Health Emergency Badge Scheme:**

Epping Forest District Council does not, at this moment, operate a Health Emergency Badge (HEB) scheme but will review this should the need for such a scheme arise.

#### **6.23 Hiring Agreement:**

It is within the legislation that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time.

Consequently, in this case, the responsibility does not rest with the registered keeper, i.e. the Hire Company, providing they make formal representation to the Council once the Notice to Owner is received. This representation must be accompanied by a copy of the relative hire agreement.

In all cases this agreement must clearly state:

The name and address of the hirer; the start and finish dates for the hire period and the hirer's signature. It must also include a statement regarding the hirer's liability for any PCNs incurred during the hire period. Should any of the foregoing be unclear, absent or in contradiction of the date/time of issue of the PCN then the PCN will be enforced against the registered keeper/Hire Company and a notice of rejection of the representation sent to them with the reasons clearly stated therein.

## **6.24 Holidays:**

Vehicles are often left parked in one place whilst the keeper is away on holiday. In such cases a PCN could be issued for being parked in a parking place and failing to have a valid virtual/paper pay and display ticket or permit.

## **Suspended Bay:**

- The Council has the power to suspend parking within a designated parking bay to allow access by a specific vehicle or for bay maintenance to be carried out. In such cases advance notice is placed alongside the bay giving the date, times and length of the suspension.
- If the notice is posted after the keeper departed on holiday then any PCN issued should be cancelled. Evidence must be provided showing departure date and time (i.e. flight tickets etc.). This should be compared with records relative to the display and distribution of the notices. In essence the suspension cannot operate retrospectively.

## **6.25 Hospital Car Service:**

The display of a "Hospital Car Service" badge does not automatically exempt the holder from parking restrictions. However all representations or challenges against the issue of a PCN should given due consideration bearing in mind that this is a voluntary service provided for the elderly and sick so that they can be transported to and from hospitals.

Generally such consideration should extend to:

- Allowing sufficient time to enable the driver to make his/her presence known to the passenger(s).
- Allow sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within his or her own home prior to departure by the driver.

Representations/challenges should be accompanied by documentary evidence giving the date, time, the pick-up and drop-off locations for the trip and, wherever possible, a description of the passenger (i.e. Elderly, Disabled, Post-Operative etc.).

## **6.26 Location – Incorrect:**

When a PCN is issued, the location of the vehicle is stated on the PCN itself. If this is recorded incorrectly, then this is deemed to be a material error and the PCN should be cancelled.

## **6.27 Lost Keys:**

Where it is claimed that car keys have been lost, stolen or locked in a car thus preventing removal of the car from a parking area which in turn resulted in the issue of a PCN, then due consideration should be given to its cancellation. When considering this the representation should be accompanied by any supporting evidence from police, motoring organisations or relatives.

The following factors should also be considered: If the vehicle was parked in a pay & display car park: did the loss of the keys prevent purchase of additional parking time.

### **6.28 Pay & Display Machines – Did Not Realise There Was One There:**

Claims from keepers that they did not see or realise that they had to use a pay & display machine should be dismissed providing that they are clearly sign posted.

### **6.29 Pay & Display Machines – Not Working:**

Where it is claimed that a machine is not working then reference must be made to both the maintenance records, the Parking Officer's notes and machine test records (machines are tested before every patrol). If it is confirmed that the machine was not working at the time, then consideration should be given to cancelling the PCN.

If there was an alternative machine, in working order and in close vicinity, then it is reasonable to expect that the drivers would use this machine.

### **6.30 Miss-spelling of Keeper's Name:**

The miss-spelling of the keeper's name and/or address on the Notice to Owner does not invalidate it or discharge the liability of the person receiving it. The onus is still on the genuine keeper to deal with the matter.

Such names and addresses are, in most cases, obtained from the DVLA and are supplied by the keepers themselves. It is also incumbent upon the keeper to ensure that these are correct.

If any miss-spelling is discovered then alterations must be made immediately to ensure that future notices are sent out correctly.

When the miss-spelling is severe and is radically different from the correct spelling, consideration should be given to the cancellation of the PCN.

### **6.31 Mitigating Circumstances:**

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. However, the following are a few guidelines:

#### **6.32 Delays:**

Delays due to queues at shops, banks etc., meetings taking longer than expected, caught up in crowds etc., are not considered as valid reasons to cancel a PCN. Allowance should be made for such delays when purchasing parking time as they are a regular occurrence and part of normal life (see emergencies below).

#### **6.33 Children / Elderly People:**

Claims are often made by people, accompanied by young children or elderly people, that they were delayed because of them. Again this should not be considered as a reason to cancel a PCN because allowance should be made for this when purchasing parking time. (See emergencies below).

Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., should not be cancelled unless a reasonable amount of time was not allowed by the Parking Officer. The normal 10-minute observation period should be enough time in such circumstances.

### **6.34 Emergencies:**

An emergency is an unforeseen situation that prevented the driver from moving his/her vehicle. They are usually of a medical nature and leniency should be exercised where it can be seen that the driver could not have foreseen the situation. Wherever possible such claims should be supported by independent evidence.

### **6.35 Motorcycle Bays:**

These are not mandatory bays but are exemptions to the normal restrictions in car parks. Consequently any vehicle, other than a motorcycle, parked in such a bay is parked in contravention of the surrounding restriction, not for being parked in a motorcycle bay.

### **6.36 Emergency Call Out:**

An emergency is considered to last as long as it takes to make the car park safe. Following this any vehicle should be moved to a permitted parking place before any subsequent repairs are undertaken.

### **6.37 Police Officers On-Duty:**

PCNs should not be issued to marked police vehicles when on official duty.

Requests for cancellation of any PCN issued to an unmarked police vehicle must be made by the officer's area Inspector or equivalent. They should contain confirmation that the officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

### **6.38 Police Officer Gave Permission to Park:**

Where details of the officer concerned are given, confirmation should be sought prior to cancellation of the PCN.

Where these details are not given, then the PCN should be enforced unless they are supplied subsequently.

### **6.39 Pregnancy- Mothers with Young Children:**

Generally pregnancy is not considered to be a disability and delays caused by young children should not normally lead to the cancellation of a PCN.

However, this is a sensitive area and each case should be treated on its merits. i.e. If the delay was short (up to 10 minutes) or was caused by a minor medical emergency, child being sick or mother feeling unwell, leniency should be shown.

If the delay was caused by the mother not allowing additional time enough to deal with young children or her own condition, both of which she is fully aware of, then the PCN should be enforced.

### **6.40 Private Property:**

Parking restrictions placed on private land are not the concern of Epping Forest District Council and are outside the scope of its enforcement operation.

Private landlords, residents etc., can impose any reasonable restriction on their own property i.e. the need for permits, clamping etc. Enforcement of such restrictions, however, is also their responsibility although it may be subcontracted to other companies including the local authorities.

Any person querying such an area should be referred to the relevant landlord or resident.

#### **6.41 Public Utility Vehicles:**

These vehicles will be exempt from restrictions if necessary if the following criteria apply:

- The vehicle is on an emergency call and is actually involved in the emergency work.
- The vehicle is involved in non-emergency maintenance of apparatus.
- A board or note showing the address and nature of the emergency is clearly displayed in the vehicle.
- The activity should normally be seen to be taking place.

If abuse is suspected a PCN should be issued and the Parking Officer should note the reason why in his/her notebook. i.e. 'Vehicle parked, no activity observed, no indication of location of any emergency'.

In such cases the PCN should be enforced unless supporting evidence of the emergency / maintenance is supplied by the utility company.

A Public Utility Vehicle is any vehicle involved in the mains supply of Gas, Electricity, Water or Telephone services.

#### **6.42 Registered Keeper's Liability:**

Under the Traffic Management Act 2004 the responsibility for any PCN rests with the Registered Keeper of the vehicle as recorded at the Driver & Vehicle Licensing Agency (DVLA).

If the keeper was not the driver at the time of the offence it remains his / her responsibility to pay the PCN and any recompense from the driver should be obtained by the Keeper.

#### **6.43 Restricted Hours:**

The hours during which restrictions are in force should be clearly signed in all car parks.

#### **6.44 Obscured Signs:**

- Information signs must be clearly visible at all times. If it is claimed that a sign was obscured and could not be read (graffiti, weather or overhanging trees etc.) the sign should be inspected as soon as practicable and remedial action taken. If the claim is proved to be correct the PCN should be cancelled.
- If the sign can be easily read then the PCN should be enforced but the sign should be returned to pristine condition immediately if required.

#### **6.45 Missing Signs:**

- If a sign is claimed to be missing the location and restriction should be inspected as soon as practicable and, if confirmed, arrangements made for the sign's replacement. Where a sign is missing the PCN should be cancelled.

#### **6.46 Royal Mail and Universal Service Provider Vehicles:**

Vehicles being used for the collection or delivery of postal packets are exempt from the regulations as long as they can be seen to be actively involved in such.

Vehicles parked for long periods with no activity observed are subject to the same restrictions as ordinary motorists and a PCN should be issued.

Cancellation of a PCN will only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection / delivery of mail.

#### **6.47 Security Vans:**

Secure cash vans are occasionally required to park in close proximity to premises in order to affect safe delivery or collection of cash. PCNs issued under such circumstances should be cancelled upon receipt of a representation from the security company confirming such an activity at the time, unless it can be clearly shown that the vehicle was parked for longer than was necessary.

Security vans involved in the delivery of mail or other such low value items are expected to comply with parking restrictions.

#### **6.48 Time/Date Calibration of Hand Held Computers and Pay & Display Machines:**

Prior to commencement of each shift the Parking Officers shall calibrate their hand held computers to ensure that they reflect the correct time and date. The time will be checked against a master clock, which is calibrated weekly against the BT talking clock.

Pay & Display machines are tested at the outset of each patrol to ensure that they are showing the correct time and date. This is done by obtaining a "test" ticket from the machines, which are kept as part of a daily report function.

#### **6.49 Unauthorised Movement of a Vehicle:**

Movement of any vehicle by the police is considered to be authorised.

Unless there is clear evidence that a vehicle has been moved by an unauthorised person then all PCN's should be enforced.

- Stolen Vehicle: Confirmation from the police that the vehicle was reported stolen including the relevant crime report number.
- Unauthorised use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN should be enforced unless it can be demonstrated that the matter was reported to the police prior to or just after the issue of the PCN. Subsequent reports will not lead to the cancellation of the PCN.

#### **6.50 Vandalised Vehicle:**

When a vehicle has been vandalised to an extent that prevents it from being safely moved, any PCN issued will be cancelled providing acceptable supporting evidence is provided.

This evidence should be from either:

- The Police – quoting the recorded crime number.
- Motoring Organisation / Garage Service who removed the vehicle from site.

A Parking Officer's observation from his/her pocket book must also be considered providing that it clearly states the extent of the damage.

Failure to provide supporting evidence or the absence of Parking Officers observation will lead to the PCN being enforced.

### **6.51 Vehicles Left Unattended To Gain Access:**

When a driver has to collect a key to gain access to a property this should take no longer than 10 minutes and will be covered by the 10 minutes Parking Officers observation time.

### **6.52 Vehicle Not At Scene:**

Where a keeper receives a Notice to Owner and claims that his/her vehicle was not parked in the area at that time a written request should be made to the keeper to confirm the make, registration plate and colour of the vehicle

If these match the records of the Council the PCN should be enforced. If they do not then the PCN should be cancelled.

### **6.53 Visitor to Britain:**

If a PCN is issued to a vehicle displaying foreign registration plates it should automatically be recognised by the processing system as the registration number will not be in DVLA format. Consideration should be given to cancellation of the PCN but, should payment be made then it should be accepted in the normal way. Equally all correspondence and representations should be dealt with in the normal way.

If a PCN is issued to a UK registered vehicle, which has been borrowed or driven by a foreign resident, the PCN should be enforced against the registered keeper(s) as they remain liable for it.

## **Report to the Cabinet**

**Report reference:** C-064-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Housing

**Subject:** Covenants and Appropriations – Hillhouse,  
Waltham Abbey

**Responsible Officer:** Alan Hall (01992 564004)

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

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### **Recommendations:**

(1) That, as an improvement that will contribute towards improving the social well-being of the local area;

(a) The Council's land at Hillhouse, Waltham Abbey, shown on the plan in the attached Appendix, be appropriated for planning purposes, in order to facilitate the development of the proposed new Epping Forest District Council (EFDC) Leisure Centre on the land; and

(b) The Council agrees to the request from Essex County Council to release the covenants on the County Council's adjoining land (also shown on the plan in the attached Appendix) - currently restricting the use of the land for the purposes of the Education Acts or as playing fields and prohibiting any of the land to be fenced off - in order to allow the land to be developed to provide a new independent living scheme to meet the housing and care needs of older residents from the Epping Forest District and a new health centre to help meet the primary care needs of residents from the local area.

### **Executive Summary:**

The Council has been working in close partnership with Essex County Council (ECC) and NHS England (NHS) to develop land in EFDC's and ECC's ownership at Hillhouse, Waltham Abbey, to provide a new Leisure Centre (EFDC), Independent Living Scheme for older people (ECC) and Health Centre (NHS).

The two areas of land had covenants placed on them when the land was originally acquired from the GLC. Therefore, in order to enable the land to be developed in accordance with the recent Outline Planning Permission, EFDC's land needs to be appropriated for planning purposes and the covenants on the ECC land need to be released, for which EFDC has received a formal request from ECC.

A detailed joint financial appraisal by EFDC's affordable housing and viability consultants has established that ECC's land has no value for the proposed developments and, in fact, the development has a deficit of around £657,000, which will therefore require ECC to provide a capital subsidy of around £715,000 to enable the development to go ahead.

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

The Council's land needs to be appropriated for planning purposes and the covenants on ECC's land need to be released, in order for the land to be developed for the purposes for which Outline Planning Permission has been received.

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

The main alternative options appear to be:

(a) Not to appropriate EFDC's land for planning purposes, but this would open up the Council to a legal challenge in the future, which could delay the construction of the Leisure Centre – which could be very expensive if construction works have commenced.

(b) Not to release the covenant on ECC's land – but this would be in conflict with the partnership approach taken to the development of Hillhouse throughout to date and, in any event, would probably result in ECC making an application for the release to the Upper Tribunal, which could quite possibly be successful and could result in EFDC having to pay ECC's legal costs if the Tribunal considered EFDC's refusal to have been unreasonable.

(c) Seek a payment from ECC for the release of the covenant – however, unlike other sites in the District where requests have been received, it has been established that the proposed development on ECC's land has a negative value, which will require ECC to provide a significant capital subsidy. Furthermore, if this was a condition of the proposed release, again, it is likely that ECC will make a successful application to the Upper Tribunal which, again, could result in EFDC having to pay ECC's legal costs if the Tribunal considered EFDC's response to have been unreasonable.

### **Report:**

1. As the Cabinet will be aware, the Council has been working in close partnership over the past two years with Essex County Council (ECC) and NHS England (NHS) to jointly commission and fund:

- A Master Plan for the development of a "community hub" on both EFDC-owned and ECC-owned land at Hillhouse, Waltham Abbey; and
- The submission of an Outline Planning Application for the development proposals.

2. The Cabinet has previously considered and endorsed the Master Plan and the submission of a joint Outline Planning Application, the latter of which was approved by the District Development Management Committee in November 2016.

3. The agreed development proposals include the following:

- a new leisure centre and swimming pool to replace the existing Waltham Abbey Swimming Pool at Roundhills - with a 25m pool with 6 lanes, plus a learner pool, a studio for movement/dance activities, and a multi-use community space;
- an Independent Living (sometimes referred to as Extra Care) Scheme – comprising 60 one and two bedroom self-contained flats for people over 55 years of age with identified care and support needs, with at least 40% of the flats provided as affordable rented housing (at no more than 80% of market rents for the area,

including service charges), with the remainder provided as market housing – with first priority for both tenures given to residents from the Epping Forest District;

- a new health centre providing new, modern accommodation, to replace the existing Maynard Court Doctors Surgery - to enable a wider range of health services to be provided for the benefit of the local community and to provide an opportunity for the practice to increase GP and nurse training on site;
- the retention of around half of the existing playing fields as informal recreation space; and
- the provision of a financial contribution towards alternative sports/recreation provision to be provided elsewhere in Waltham Abbey, to compensate for the loss of informal recreation space at Hillhouse.

4. At its meeting in December 2016, the Cabinet selected a preferred contractor for the new Leisure Management Contract, which includes a requirement for the contractor to build the new Leisure Centre for the Council on the Council's land.

5. The Hillhouse site currently comprises the following three areas, to the west and north-west of the Hillhouse shopping parade (which does not comprise part of the proposed development area):

- 1.72Ha of playing fields to the north owned by ECC – shown on the plan in the attached Appendix;
- 1.44ha of playing fields to the south owned by EFDC – also shown on the plan in the Appendix; and
- The Hillhouse Community Centre and a circular car park (both owned by EFDC, with Waltham Abbey TC being the long leaseholders of the Community Centre) to the south-east of the playing fields.

#### Appropriation of the Council Owned Land

6. The Council's land was purchased by the Waltham Holy Cross Urban District Council from the Greater London Council (GLC) in 1974 for use as public open space. A covenant was imposed on the Urban District Council (UDC) that the land could not be used for any purpose other than for public walks, pleasure grounds or playing fields.

7. The land was transferred from the UDC to EFDC on re-organisation later in 1974 and, subsequently, following the abolition of the GLC, the benefit of the covenant passed to EFDC as well. Since its purchase, the land has been used as open space, including use as football pitches, dog-walking and other informal leisure uses. Until recently, a local football club (Abbey Youth FC), used the land for football matches and training, although arrangements have now been made for them to use other pitches in Waltham Abbey.

8. As a result of the master-planning process and subsequent Outline Planning Permission, the development will therefore contribute towards a better use of the land for leisure purposes, which will lead to the promotion and improvement of the social wellbeing of the area. For this reason, and following legal advice from the Council's Legal Team, it is considered that the proposed development will satisfy the requirements of Section 226 of the Town and Country Planning Act 1990 (as amended) and that the land should be appropriated for planning purposes since:

- the appropriation of the land will facilitate the carrying out of the development, redevelopment or improvement on or in relation to the land; and
- the proposed development is likely to contribute to achieving the promotion and improvement of the economic, social or environmental well-being of part of the local area.

9. Under the Act, the Council and its Leisure Management Contractor are authorised to erect, construct, carry out or maintain any building or work on land which has been appropriated for planning purposes, or use such land (provided there is a planning permission), even if that work or use involves a breach of the covenant imposed restricting the use of the land.

10. In accordance with the requirements of the Act, a notice of the Council's intention to appropriate the land for planning purposes was placed in a local newspaper (the Hertford Mercury) on 15 and 22 September 2016, following which no representations were received.

11. It is therefore recommended that the Cabinet formally resolves to appropriate the Council's land at Hillhouse, Waltham Abbey, as marked on the plan attached at Appendix 1, for planning purposes, in order to facilitate the development of the proposed new EFDC Leisure Centre on the land, as an improvement that will contribute towards improving the social well-being of the local area.

#### Covenants on Essex County Council Owned Land

12. Similarly, ECC acquired land at Hillhouse from the GLC in 1976. The land was purchased for the purposes of the Education Acts and Children's Act 1948 and, unlike EFDC's land, is not therefore classified as public open space.

13. Covenants were imposed on the land at the time of acquisition that require the land:

- to be used for the purposes of the Education Acts or, at times when this is not required for that purpose, as playing fields by the public at large; and
- not to be fenced off, except as necessary during the maintenance of the playing fields.

14. EFDC is the successor in title to the GLC for the purposes of enforcing covenants on land. Therefore, following receipt of the Outline Planning Permission, and as always planned as part of the partnership approach to the development of the area, ECC has now formally requested EFDC to release these covenants on the County Council's land, to enable the development of the Independent Living Scheme and new Health Centre to proceed.

15. The S106 Agreement for the proposed Independent Living Scheme at Hillhouse will require residents to be in need of at least 6 hours care per week. ECC's most recent assessment of need for independent living accommodation in the Epping Forest District is that 143 market and 44 affordable rented independent living homes are required by 2020.

16. In order to assess whether or not there is any value to ECC from undertaking these developments, EFDC and ECC jointly-commissioned Kift Consulting Ltd (with whom EFDC already has a contract to provide it with advice on viability and developments) to undertake a financial appraisal of the proposed developments, based on the requirement that at least

40% of the independent living flats will be provided as affordable rented housing to applicants living in the Epping Forest District (which always reduces development values significantly).

17. As a result, the appraisal has established that, after taking account of both all the costs and all the income from market sales and the affordable housing, the proposed development on ECC's land will have a deficit of £657,000 and, therefore, for the scheme to be financially viable, Kift Consulting estimates that ECC will, in fact, need to provide a capital subsidy of around £715,000. ECC has committed to provide this capital subsidy from a county-wide budget that it has established to enable such independent living schemes to be developed across Essex.

#### **Resource Implications:**

Nil – although EFDC could be required to meet ECC's legal costs if EFDC refuses ECC's request and ECC makes a successful application to the Upper Tribunal to have the covenant released.

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

EFDC's Legal Team has advised that, if the Council does not agree to a reasonable request for the covenant to be released, ECC could make an application to the Upper Tribunal of the Lands Chamber to release the covenant. The Upper Tribunal has the power to discharge a restrictive covenant in the various circumstances set out in section 84 of the Law of Property Act 1925. This includes where the following test is satisfied:

- the covenant impedes some reasonable use of the land;
- the covenant does not give anyone entitled to the benefit of it "any practical benefits of substantial value or advantage to them"; and
- money would be adequate compensation for any loss or disadvantage anyone entitled to the benefit would suffer from the discharge.

When it discharges a covenant, the Tribunal may order the person applying for the discharge to pay compensation. The compensation would either be for:

- any loss or disadvantage suffered due to the discharge; or
- any effect which the covenant had, at the time it was imposed, in reducing the consideration then received for the land affected by it.

The Legal Team advises that, if there is no practical benefit to the Council of the covenant, then no compensation would be payable, other than any amount by which the price of the land may have been decreased by the imposition of the covenants when the property was transferred in 1976.

They point out that Waltham Holy Cross Urban District Council acquired the neighbouring land (now in the ownership of EFDC) from the GLC in 1974. The covenants that the UDC gave at the time were for the benefit of the adjoining and neighbouring Ninefields Estate. Since ECC purchased their land in 1976, it would have purchased the land with the benefit of the covenant on EFDC's land and could, therefore, be entitled to enforce the covenant against the Council if it considered it appropriate. However, the same rules apply for the discharge of the covenant as for ECC.

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

As the Cabinet will be aware, the combined development proposal will result in a reduction in

the amount of recreation area retained at Hillhouse. However, this was considered as part of the Outline Planning Permission and considered to be acceptable.

**Consultation Undertaken:**

None.

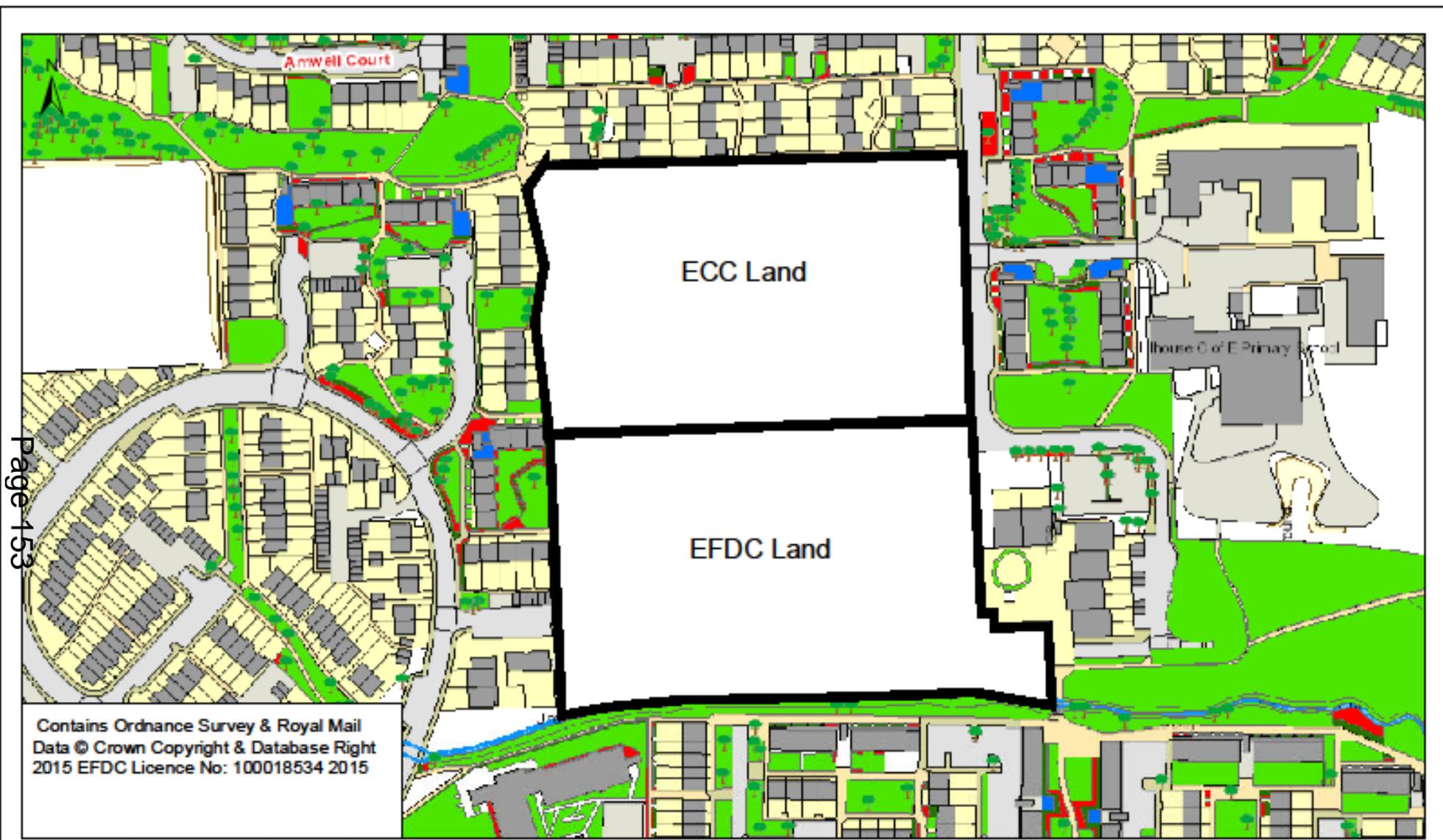
**Background Papers:**

*“Joint Financial Viability Feasibility on behalf of Epping Forest District Council & Essex County Council for the proposed Independent Living Scheme on land at Hillhouse, Waltham Abbey”* by Kift Consulting Ltd, dated 23 January 2017

**Risk Management**

**Equality Analysis**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided in the Equality Analysis Record attached below.



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Hillhouse Land Ownerships

Date: 15/02/2017

Scale: 12,000

Name: arcgis

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## Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

If you require further help, please contact the Performance Improvement Unit.

### Step 1. About the policy, service change or withdrawal

|   |  |
|---|--|
| Name of the policy, service or project:<br><i>be specific</i> | Release of Covenants and appropriation of land – Hillhouse   |
| Revised / new / withdrawal:                                   | New  |
| Intended aims / outcomes/ changes:                            | For the purpose of the development of EFDC and ECC land to provide a new Leisure Centre, Independent Living Scheme for older people and Health Centre.   |
| Relationship with other policies / projects:                  | <a href="#">EFDC Epping Forest Tenant Census 2014 Report</a><br><a href="#">EFDC Strategic Housing Market Assessment</a><br><a href="#">EFDC Housing Allocations Scheme</a> – the Council’s policy for assessing need and priority for council housing accommodation.<br><a href="#">HRA Business Plan 2016</a> – the housing register is assessed and housing need is reflected in the new build plans<br><a href="#">EFDC Combined Policies Local Plan 1998 alterations 2006</a> – plans for EFDC community infrastructure and future development to meet the needs of the local population and improve resources.<br><a href="#">Epping Forest Draft Local Plan 2016</a><br><a href="#">BGP1 Housing Background Paper</a> |
| Name of senior manager for the policy / project:              | Alan Hall, Director of Communities   |
| Name of policy / project manager:                             | Alan Hall, Director of Communities   |
| Other relevant documentation:                                 | <a href="#">ONS Census Data 2011</a><br><a href="#">ONS Subnational population projections for England 2012 – based on 2011 Census</a>   |

|  |   |
|--|---|
|  | <p><a href="#">Strategic Housing Market Assessment for West Essex &amp; East Herts 2015</a></p> <p><a href="#">ECC Independent Living Programme Position Statement</a></p> <p><a href="#">Epping Forest District Council Draft Local Plan – Draft Infrastructure Deliver Plan</a></p> <p><a href="#">Secure by Design</a></p> <p><a href="#">ECC Development Management Policies (to be read in conjunction with,</a></p> <p><a href="#">The Urban Place Supplement;</a></p> <p><a href="#">The Essex Design Guide,</a></p> <p><a href="#">Parking Standards Design and Good Practice.</a></p> <p><a href="#">ECC Development and Public Rights of Way</a></p> <p>Essex coalition of disabled people (ECDP)<br/> <a href="http://www.ecdp.org.uk/">http://www.ecdp.org.uk/</a> &amp;<br/> <a href="http://www.bluebadgestyle.com/">http://www.bluebadgestyle.com/</a></p> <p><a href="#">Government-equalities-office &amp; Providing services for transgender customers a guide</a></p> <p><a href="https://www.iser.essex.ac.uk">https://www.iser.essex.ac.uk</a> – The Institute for Economic and Social Research &amp;<br/> <a href="https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2014-02.pdf">https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2014-02.pdf</a></p> |
|--|---|

**Step 2. Decide if the policy, service change or withdrawal is equality relevant**

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <ul style="list-style-type: none"> <li>Age</li> <li>Disability</li> <li>Gender reassignment</li> <li>Pregnancy and maternity</li> </ul> <p>If no, state reasons for your decision:</p> |
|--|---|

### Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 ‘Sources of evidence for the protected characteristics’

| <b>Characteristic</b> | <b>Evidence (name of research, report, guidance, data source etc)</b>  | <b>What does this evidence tell you about people with the protected characteristics?</b>  |
|-----------------------|--|---|
| Age                   | Demographic Information in Local Plan – <a href="#">BGP1 Housing Background Paper</a><br>Council’s Report on Ageing population.        | Ageing population<br>Demand on health services<br>Drive towards independent living  |
|                       | <a href="#">ONS Census Data 2011</a><br><a href="#">ONS Subnational population projections for England 2012 – based on 2011 Census</a> | Census shows that 22.3% of the Epping Forest District population is aged 65 years and over. Life expectancy is increasing.<br><br>Report shows a 5% population growth rate for the Epping Forest District.  |
|                       | <a href="#">Epping Forest Draft Local Plan 2016</a>  | Ageing population – will require dwellings that are adaptable and accessible<br><br>Pg 13 Paragraph 2.4 states:<br><br><i>“The District’s population increased by almost 17,000 between 1961 and 2011. Government estimates that the District’s population had risen by just over 5,000 since 2011.”</i><br><br><i>“In 2011, compared to the rest of England, the District had smaller proportions of people aged under 30 and a larger proportion of people aged 45 to 64 years and 65 years and over.”</i><br><br><i>“by 2033, projections suggest the proportion of people aged over 65 years will rise sharply compared to the other age bands”</i> |
|                       | <a href="#">Strategic Housing Market Assessment for West Essex &amp; East Herts 2015</a>   | ECC undertook a demand analysis assessment (mentioned below), which identified a shortfall in independent living units<br><br>It was noted that older people are living longer, healthier lives and specialist housing offered today may not be appropriate for the future years and the government’s reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home for as long as possible.  |

|                                      |  |  |
|--------------------------------------|--|--|
|                                      | <a href="#">ECC Independent Living Programme Position Statement</a> ( <i>published Oct2016</i> ) – Pg 7  | ECC's most recent assessment of need for Independent Living Accommodation in the Epping Forest District shows a shortfall of 44 rental units and 143 market ILA homes are required by 2020.  |
|                                      | <a href="#">Epping Forest District Council Draft Local Plan – Draft Infrastructure Deliver Plan</a> – (Sept16)<br><i>West Essex Joint Strategic Needs Assessment (2015)</i><br><i>Transforming Primary Care in Essex, NHS (2014)</i><br><i>NHS Choices</i><br><i>Health &amp; Social Care Information Centre Consultation with West Essex Clinical Commissioning Group</i><br><i>5 Year Strategic Plan for West Essex Health and Care System 2015-2020 (n/d)</i><br><i>The Sports &amp; Physical Activity Needs Assessment (2015)</i><br><i>Epping Forest Open Space, Sport and Recreation Assessment (2012)</i> | The NHS Procurement guidelines favour larger floor plans for health centres as they are more cost effective to run.<br>Shortfall of ILAs.<br>The Sports & Physical Activity Needs Assessment undertaken by ECC identified that although adult physical activity in Essex is higher than the national average, the report notes that almost 75% of adults in Essex are not meeting government recommended levels of exercise to achieve healthy lifestyles.<br>The Waltham Abbey Swimming Pool was identified as reaching the end of its viable life. |
|                                      | <a href="#">Secure by Design</a> – Designing out crime of new developments   | Consideration is given to designing safe places to live (vulnerable older people).   |
|                                      | <a href="#">ECC Development Management Policies (to be read in conjunction with, The Urban Place Supplement; and</a>   | Lists design standards, accessibility and transport sustainability policies along with Impact and mitigation policies such as safety audits, congestion, air quality and HGV movement  |
|                                      | <a href="#">The Essex Design Guide,</a>  | Provides guidance for accessibility for disabled people to dwellings. Good practice to design new dwellings to be able to be visited unassisted by disabled people as far as the entry to the dwelling. There will need to be a flat area 900mm x 900mm minimum on the same level as the threshold outside the entrance to each dwelling. (pg80)   |
|                                      | <a href="#">Parking Standards Design and Good Practice.</a>  | Provides guidance on parking standards. 1 car parking space for every 4sqm of GFA. (Gross Floor Area). If a development has a GFA of 17sqm, a calculation 17 divided by 4 gives 4.25 spaces, rounded up to the nearest whole number giving a total number of 5 spaces.<br>Bus routes within the residential developments will require a min clear passage of 6 metres.   |
|                                      | <a href="#">ECC Development and Public Rights of Way</a>   | Considers access issues.   |
| Dependents / caring responsibilities |  | There will be benefits for those with the characteristic (those that are already look after someone with a disability, or a parent by accessing services at the  |

|  |   |   |
|--|---|---|
|  |   | health centre or Leisure Centre   |
| Disability                                 | Demographic Information in Local Plan –   | Independent Care/Living   |
|  | Essex coalition of disabled people (ECDP) <a href="http://www.ecdp.org.uk/">http://www.ecdp.org.uk/</a><br><a href="http://www.bluebadgestyle.com/">http://www.bluebadgestyle.com/</a>  | Disabled people are underrepresented in the workplace and work with employers is required to increase the number of disabled adults in the work place.<br>Almost half (48%) of disabled people were dissatisfied with access to high street services in general. This is despite the view that 'things are slowly getting better' 65% of respondents felt that there had been no improvement to disabled access in the past five years. |
|  | <a href="#">EFDC Epping Forest Tenant Census 2014 Report</a>  | Over half of all tenants responded: - <ul style="list-style-type: none"> <li>• North Weald Bassett Ward contained the highest proportion of tenants with a disability (39%), followed by Waltham Abbey North East (38%). These Wards had a higher than average number of older residents.</li> </ul>  |
|  | <a href="#">Strategic Housing Market Assessment for West Essex &amp; East Herts 2015</a><br>Pg108   | Report supports the need for 15% of affordable housing to meet Category 3 requirement to aid accessibility for wheelchair users. Currently, 1-30 households in England (3.3%) have at least one wheelchair user. These proportions are likely to increase over the period to 2033   |
|  | <a href="#">ECC Independent Living Programme Position Statement</a> (published Oct2016) – Pg 7  | ECC's most recent assessment of need for Independent Living Accommodation in the Epping Forest District shows a shortfall of 44 rental units and 143 market ILA homes are required by 2020.   |
| Sexual Orientation and Gender reassignment | <a href="#">government-equalities-office</a><br><a href="#">Providing services for transgender customers a guide</a>  | If you set the atmosphere and culture by treating the inclusion of transgender people as 'business as usual' and nothing remarkable, it will help others to follow. In other words, be mindful of issues that can arise, but don't <i>expect</i> there to be problems.  |
|  | <a href="https://www.iser.essex.ac.uk">https://www.iser.essex.ac.uk</a> – The Institute for Economic and Social Research<br><a href="https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2014-02.pdf">https://www.iser.essex.ac.uk/research/publications/working-papers/iser/2014-02.pdf</a> | The economic impact of sexuality related stigma, harassment and discrimination occurs when economically related institutions, such as employers, schools, local authorities, etc. either deliberately or incidentally exclude people based on their sexuality.  |
| Marriage and civil partnership             |   |   |
| Pregnancy and maternity                    | <a href="#">Epping Forest District Council Draft Local Plan – Draft Infrastructure</a>  | The NHS Procurement guidelines favour larger floor plans as they are  |

|                    |   |  |
|--------------------|---|--|
|                    | <a href="#">Deliver Plan</a> – (Sept16)<br><i>West Essex Joint Strategic Needs Assessment (2015)</i><br><i>Transforming Primary Care in Essex, NHS (2014)</i><br><i>NHS Choices</i><br><i>Health &amp; Social Care Information Centre Consultation with West Essex Clinical Commissioning Group</i><br><i>5 Year Strategic Plan for West Essex Health and Care System 2015-2020 (n/d)</i> | more cost effective to run.  |
| Race / ethnicity   | <a href="#">ONS Census Data 2011</a>  | 85.2% -White;<br>English/Welsh/Scottish/Northern Irish/British<br>2.4% - Asian/Asian British; Indian<br>1.1% - White; Irish  |
| Religion or belief | <a href="#">ONS Census Data 2011</a><br><br><a href="#">ONS Subnational population projections for England 2012 – based on 2011 Census</a>  | Of the EFDC Population <ul style="list-style-type: none"> <li>• <b>Christian - 61.8%</b></li> <li>• Buddhist – 0.3%</li> <li>• Hindu – 1.4%</li> <li>• Jewish – 3.2%</li> <li>• Muslim – 1.9%</li> <li>• Sikh – 1%</li> <li>• Other religion – 0.3%</li> <li>• No religion –22.5%</li> <li>• Do not wish to disclose – 7.6%</li> </ul> |
| Sex                | <a href="#">ONS Census Data 2011</a>  | Epping Forest district population: -<br>64219 – 51.5% - female<br>60440 – 48.5% - male   |
| Sexual orientation | <a href="#">EFDC Epping Forest Tenant Census 2014 Report</a>  | 57%of all tenants responded stating - <ul style="list-style-type: none"> <li>• 62.2% were heterosexual</li> <li>• 0.6% were gay or bisexual</li> <li>• 26% did not state their sexuality</li> <li>• 10% did not specify.</li> </ul>  |

**Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)**

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

| <i>Characteristic</i>                | <i>Actual or likely adverse impacts identified</i> | <i>Actions that are already or will be taken to reduce the negative effects identified</i> |
|--------------------------------------|--|--|
| Age                                  | Reduction in the size of playing fields            |  |
| Dependents / caring responsibilities |  |  |
| Disability                           | None identified                                    | None identified  |
| Gender reassignment                  | None identified                                    | None identified  |
| Marriage and civil partnership       | None identified                                    | None identified  |
| Pregnancy and maternity              | None identified                                    | None identified  |
| Race / ethnicity                     | None identified                                    | None identified  |
| Religion or belief                   | None identified                                    | None identified  |
| Sex                                  | None identified                                    | None identified  |
| Sexual orientation                   | None identified                                    | None identified  |

### **Step 6.**

#### **The duty to advance equality of opportunity**

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. *(Note: not relevant to marriage and civil partnership)*

| <i>Characteristic</i>                | <i>Ways that this policy, service or project can advance equality of opportunity</i>   | <i>Why this policy, service or project cannot help to advance equality of opportunity:</i> |
|--------------------------------------|--|--|
| Age                                  | <p>The Independence Living Scheme (ILS) will provide: -</p> <ul style="list-style-type: none"> <li>• appropriate accommodation for older people living (and those with disabilities) in the district who require at least 6 hours care per week, for which there is an identified need.</li> <li>• Clients will feel secure that care is provided when required and enabling them to be part of the community.</li> </ul> <p>The Health Centre and Leisure Centre will provide: -</p> <ul style="list-style-type: none"> <li>• easier access for those within the local community with protected characteristics;</li> <li>• accessible facilities enabling a greater independence;</li> <li>• access to much needed facilities and services that can enhance both mental and</li> </ul> |  |
| Disability                           |  |  |
| Gender reassignment                  |  |  |
| Pregnancy and maternity              |  |  |
| Dependents / caring responsibilities |  |  |
| Race / ethnicity                     |  |  |

|                    |   |  |
|--------------------|---|--|
| Religion or belief | <p>physical wellbeing – improving quality of life;</p> <ul style="list-style-type: none"> <li>greater access to facilities and services will have a positive impact on integrating the community enabling people with protected characteristics to meet, interact and socialise with one another. Thereby, getting to know the person.</li> </ul> |  |
| Sex                |   |  |
| Sexual orientation |   | All of the above will promote equality in the community. |

### The duty to foster good relations

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. (*Note: not relevant to marriage and civil partnership*)

| <i>Characteristic</i>                | <i>How this policy, service or project can foster good relations:</i>  | <i>Why this policy, service or project cannot help to foster good relations:</i>   |  |
|--------------------------------------|--|--|--|
| Age                                  | <p>The Independence Living Scheme (ILS) will provide: -</p> <ul style="list-style-type: none"> <li>appropriate accommodation for older people living (and those with disabilities) in the district who require at least 6 hours care per week, for which there is an identified need.</li> <li>Clients will feel secure that care is provided when required and enabling them to be part of the community.</li> </ul>  |  |  |
| Dependents / caring responsibilities |  |  |  |
| Disability                           |  |  |  |
| Gender reassignment                  | <p>The Health Centre and Leisure Centre will provide: -</p> <ul style="list-style-type: none"> <li>easier access for those within the local community with protected characteristics;</li> <li>accessible facilities enabling a greater independence;</li> <li>access to much needed facilities and services that can enhance both mental and physical wellbeing – improving quality of life;</li> <li>greater access to facilities and services will have a positive impact on integrating the community enabling people with protected characteristics to meet, interact and socialise with one another. Thereby, getting to know the person.</li> </ul> |  |  |
| Pregnancy and maternity              |  |  |  |
| Race / ethnicity                     |  |  |  |
| Religion or belief                   |  |  |  |
| Sex                                  |  |  |  |
| Sexual orientation                   |  | <p>The establishments being built will:-</p> <ul style="list-style-type: none"> <li>provide a possible route of employment for those with protected characteristics.</li> <li>enable people with disabilities to maintain an independent type lifestyle</li> </ul> |  |

|  |   |  |
|--|---|--|
|  | <p>by being able to participate in activities and utilise the facilities at the Leisure Centre and Health Centre – feel less isolated which can have a detrimental impact on their mental and physical wellbeing;</p> <p>All of can foster good relations in the community.</p> |  |
|--|---|--|

### Step 7. Documentation and Authorisation

| Summary of actions to be taken as a result of this analysis (add additional rows as required): | Name and job title of responsible officer | How and when progress against this action will be reported |
|--|---|--|
| 1. None  |   |  |
| 2.   |   |  |
| 3.   |   |  |

|  |   |
|--|---|
| Name and job title of officer completing this analysis:  | Mary Masterson<br>Performance and Information Officer |
| Date of completion:  | 09/02/2017  |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | Alan Hall, Director of Communities                    |
| Date of authorisation:   | 10/02/2017  |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   | 13/02/2017  |

### Step 8. Report your equality analysis to decision makers:

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

### Your summary of equality analysis must include the following information:

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;

- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

## **Report to the Cabinet**

**Report reference:** C-065-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Leader of Council

**Subject:** Transformation Programme – January 2017 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 note the progress of Projects and Programmes for January 2017, alongside planned actions for February 2017.**

### **Executive Summary:**

Regular highlight reports on the progress of the Transformation Programme are presented to the Cabinet. This is the highlight report for January 2017 and covers progress for all chartered projects of Medium and High Risk Potential, as well as key aspects of the Transformation Programme.

Overall, progress indicators remain Green for 'cost', 'delivery / outcomes / outputs' and 'benefits'. The status indicator for 'time' is reported as Amber to highlight that 3 actions (from a total of 216) are overdue when compared with planned timelines. Project and Programme Managers have actions in place to deal with any potential negative effects. Progress will be kept under review and it is anticipated that the status of the majority of these items will return to Green in the next report.

### **Reasons for Proposed Decisions:**

To inform Cabinet of progress on the Transformation Programme, including workstreams, programmes and projects.

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

No other options are available. 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.

### **Report:**

1. This is the January 2017 Highlight Report for the Transformation Programme. The format of the report has evolved in order to remain an effective tool for highlighting progress, slippage and remedial actions being taken.

2. The report covers progress for the 33 chartered 'live' projects with Medium or High

Risk Potential, as well as progress on key aspects of the Transformation Programme.

3. The Cabinet is requested to review progress for November and December 2016, alongside actions scheduled for the next period and any remedial actions being undertaken.

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. Overall, transformation progress status indicators remain Green for ‘cost’, ‘delivery / outcomes / outputs’ and ‘benefits’. The status indicator for ‘time’ is reported as Amber to highlight that 3 actions (from a total of 216) are overdue when compared with planned timelines.

6. Aside from the projects referred to above, Project and Programme Managers have actions in place to deal with any potential negative effects. The deviation from plans for the majority is within tolerances, most often within one calendar month. It is anticipated that the status of the majority of these items will return to Green by the end of the next period and progress will be kept under review.

7. Appendix 1 contains the highlight report for January 2017.

#### **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.

**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.

**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.

# Equality analysis report

## Step 1. About the policy, service change or withdrawal

|  |  |
|--|--|
| Name of the policy, service or project: <i>be specific</i> | Transformation Programme – January 2017 Highlight Report                       |
| Revised / new / withdrawal:                                | New  |
| Intended aims / outcomes/ changes:                         | That the Cabinet note the progress of Projects and Programmes for January 2017 |
| Relationship with other policies / projects:               | <b>All</b>   |
| Name of senior manager for the policy / project:           | Glen Chipp, Chief Executive  |
| Name of policy / project manager:                          | David Bailey, Head of Transformation   |

## Step 2. Decide if the policy, service change or withdrawal is equality relevant

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | If yes, state which protected groups:   |
|  | <p>If no, state reasons for your decision:</p> <p>No. Any equalities impact assessment for individual projects or programmes is detailed on the respective reports.</p> |

|  |                                      |
|--|--------------------------------------|
| Name and job title of officer completing this analysis:  | David Bailey, Head of Transformation |
| Date of completion:  | 07.02.2017                           |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | David Bailey, Head of Transformation |
| Date of authorisation:   | 07.02.2017                           |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   | 07.02.2017                           |

## Transformation Programme Highlight Report

| <i>Report</i> | <i>Period</i>       |
|---------------|---------------------|
| <b>13</b>     | <b>January 2017</b> |

### Approval

|  |                               |             |            |
|--|-------------------------------|-------------|------------|
| <i>Approved for submission to the Cabinet (Sponsoring Group), given by</i> | Cabinet Agenda Planning Group | <i>Date</i> | 14.02.2017 |
|--|-------------------------------|-------------|------------|

### 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                        | <b>Amber</b>       | <b>Green</b>       | 3 milestones overdue but under control from total of 216 actions      |
| Cost                        | <b>Green</b>       | <b>Green</b>       |   |
| Delivery / outcome / output | <b>Green</b>       | <b>Green</b>       |   |
| Benefits                    | <b>Green</b>       | <b>Green</b>       |   |

**Highlight: Overdue actions for this period and remedial actions for the next period**

| <i>Key Benefit</i>   | <i>Actions Overdue</i>   | <i>Planned Date</i> | <i>Remedial Actions</i>  | <i>Due Date</i> | <i>Owner</i>   |
|--|--|---------------------|--|-----------------|--|
| <b>Workstream 1 – Customer Experience</b>  |  |                     |  |                 |  |
| <b>P134 Self-Service for License Applications</b>  |  |                     |  |                 |  |
| <ul style="list-style-type: none"> <li>▪ Increased customer satisfaction through self-service licence applications (B1)</li> <li>▪ Increased efficiency through reduced paper licence applications (B2)</li> <li>▪ Increased efficiency through electronic payment processes (B4)</li> </ul> | Progress report unavailable due to staff sickness absence and other urgent work issues   | Jan 2017            | Complete progress report through oral interview and ensure project work is balanced with business as usual | Feb 2017        | Project Manager:<br>Licensing Manager<br>Project Sponsor:<br>Assistant Director – Neighbourhoods |
| <b>Workstream 2 – Business Culture</b>   |  |                     |  |                 |  |
| <b>P107 Estates Service Review</b>   |  |                     |  |                 |  |
| <ul style="list-style-type: none"> <li>▪ Increased opportunities for income and capital growth (B4)</li> <li>▪ Reduced costs (B4)</li> </ul>   | The formal process of consulting with staff to commence in January 2017  | Jan 2017            | Commence staff consultation  | Feb 2017        | Project Manager:<br>Chief Estates Officer<br>Project Sponsor:<br>Director of Neighbourhoods      |
| <b>P126 Modern.Gov Report Management Functionality</b>   |  |                     |  |                 |  |
| <ul style="list-style-type: none"> <li>▪ Increased efficiency through integrated report management system (B2)</li> <li>▪ Improved use of chief officer time and resources through cessation of formal Cabinet APG meetings (B2)</li> </ul>  | Implementation of report management functionality is on hold to allow a period of transition following the externalisation of server hosting at the end of 2016. Completed business case for this project was scheduled for March 2017 | Jan 2017            | Review project plan to enable effective project planning and monitoring                                    | Feb 2017        | Project Manager:<br>Democratic Services Manager<br>Project Sponsor:<br>Director of Governance    |

## Document control

| <i>Version</i> | <i>Date</i> | <i>Status (draft, approved)</i> | <i>Author</i>                                   | <i>Change description</i> |
|----------------|-------------|---------------------------------|---|---------------------------|
| 1.0            | 27.01.2017  | January draft                   | Monika Chwiedz, Performance Improvement Officer | Draft                     |
| 2.0            | 07.02.2017  | January draft                   | David Bailey, Head of Transformation            | Draft                     |
| 3.0            | 14.02.2017  | January draft                   | Cabinet Agenda Planning Group                   | Amendment                 |

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

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## **Report to the Cabinet**

**Report reference:** C-066-2016/17

**Date of meeting:** 9 March 2017



**Epping Forest  
District Council**

**Portfolio:** Housing

**Subject:** Pilot Scheme for the Provision of Modular Temporary Accommodation for Single Vulnerable Homeless People – Norway House, North Weald

**Responsible Officer:** Alan Hall (01992 564004)

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

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### **Recommendations:**

(1) That, subject to the receipt of planning permission, a Pilot Scheme be undertaken at Norway House, North Weald (the Council's Homeless Persons Hostel) to provide three modular units of temporary accommodation for six single vulnerable homeless people, with shared kitchen facilities, as an alternative to expensive and less desirable bed and breakfast accommodation, together with additional storage facilities and some replacement car parking provision;

(2) That authorisation be given to the submission of a detailed planning application for the proposed provision;

(3) That Section 6.1 of the Council's Procurement Rules be waived to enable Mac Container Company Ltd, a local supplier of modular accommodation based at North Weald Airfield, to be the Council's Nominated Supplier of the accommodation units;

(4) That competitive tenders be invited from contractors based on Constructionline to supply and install the modular accommodation (supplied by the Council's Nominated Supplier) and to undertake all ground and infrastructure works, through a JCT Intermediate Form of Contract;

(5) That the estimated £345,000 cost of the Pilot Scheme be funded from the existing Capital Programme budget for the Council Housebuilding Programme, which is currently subject to a temporary moratorium, with 30% of the costs funded from 141 Receipts;

(6) That revenue budgetary provision of £5,000 per annum be made (funded from HRA Balances for the first year and incorporated within the HRA Budget in future years) to fund the appointment of a security company to provide security officers to attend Norway House, on an ad-hoc basis as and when required, in order to assist, support and protect staff and other residents on occasions when they feel at risk from residents, particularly out of normal office hours and when lone working; and

(7) That, subject to the success of the Pilot Scheme, the Housing Portfolio Holder considers whether or not, and how and where, the provision of temporary modular accommodation could be deployed in the District on a wider scale in the future.

## **Executive Summary:**

The Leader and Housing Portfolio are interested in considering the feasibility of providing temporary modular accommodation (referred to in this report as “pods”) to provide temporary accommodation for homeless households, at a lower cost than traditional-built, permanent accommodation and than the cost of placing homeless households in expensive bed and breakfast hotels.

The report proposes that a Pilot Scheme be provided on an identified site at Norway House, North Weald comprising 3 pods accommodating 6 single vulnerable people sharing kitchens, at a current total estimated cost of around £345,000, with 30% of the costs funded from some of the Council’s unallocated 141 Receipts.

Based on the Council’s £8,280 per person per annum loss of housing benefit subsidy as a result of providing housing benefit to a household in B&B, and taking account of the licence charge to be made for the pods, the payback period for providing one pod will be around 5.3 years (or 3.7 years on the basis that the 141 Receipts that it is proposed will fund 30% of the costs would otherwise be lost to the Council).

There are concerns about the heightened risk to staff and other residents about increasing the number of occupants at Norway House with single vulnerable people. A number of ways of mitigating these risks are proposed, including the appointment of a private security company to provide security officers to attend Norway House when required, for which a small budgetary provision is required.

## **Reasons for Proposed Decision:**

The Council is experiencing an increasing homelessness problem, with increased numbers of households having to be accommodated in temporary accommodation. The proposed Pilot Scheme will provide an alternative to accommodating single vulnerable homeless people in expensive bed and breakfast accommodation.

## **Other Options for Action:**

The main alternative options appear to be:

- (a) Do not undertake a Pilot Scheme – but this will not assist with alleviating the need for additional temporary accommodation, or with reducing the cost of accommodating households in bed and breakfast accommodation.
- (b) Provide more permanent, traditional-built temporary accommodation on the identified site - however, this would cost more to provide.
- (c) Provide more pods as part of the Pilot Scheme – however, there are no other suitable sites at Norway House.
- (d) Provide less pods as part of the Pilot Scheme – however, this would reduce the provision of additional temporary accommodation and the savings from not using bed and breakfast accommodation, thereby resulting in reduced cost-effectiveness of the Pilot Scheme.
- (e) Do not nominate Mac Container Company Ltd as the Council’s Nominated Supplier – however, this would result in significant officer time and delay in order to seek competitive

tenders; in any event, the Procurement Rules support the use of local suppliers and contractors where appropriate.

(f) Provide pods on another Council-owned site, instead of Norway House – however, it is suggested that Norway House is a suitable location for the Pilot Scheme.

(g) Accommodate homeless families in the pods, instead of single vulnerable homeless people sharing – however, this would not reduce the use or cost of bed and breakfast accommodation.

(h) Do not provide a revenue budget to appoint a security company – however, this is considered essential

(h) Fund 70% of the capital costs of the provision from general capital receipts – although this will reduce the cost to the HRA, it would utilise capital receipts that could otherwise be used for other (non-housing) Council capital projects.

### **Report:**

1. At its meeting in January 2017, the Communities Select Committee considered a detailed report on the increasing homelessness pressures in the District and made a number of recommendations, including some that required additional resources, that were subsequently agreed by the Finance and Performance Management Cabinet Committee.

2. The report to the Select Committee referred the interest of the Leader and the Housing Portfolio Holder, following a visit they had undertaken with the Chief Executive and members of the Communities Management Team to a local supplier, in investigating the potential and feasibility of purchasing and installing temporary modular accommodation (referred to in this report as “pods”) to provide temporary accommodation for homeless households, at a lower cost than traditional-built, permanent accommodation and than the cost of placing homeless households in expensive bed and breakfast hotels.

3. As a result, one of the Select Committee’s recommendations (Minute 54(3)) was that a report should be submitted to a future meeting of the Cabinet on the feasibility of the use of pods for homeless applicants.

### Proposed Temporary Modular Accommodation

4. A number of local authorities are now exploring and using pods to accommodate homeless households, the closest to Epping Forest being Chelmsford City Council. They are the same size as shipping containers, which aids and reduces the costs of delivery. They are of robust metal construction that can be painted in a range of colours, and can be stacked with staircase access.

5. Internally, they have thermal insulation that meets current Building Regulation requirements and offer a flexible range of internal configurations. They come supplied with a layout agreed with the local authority, with carpets, blinds, internal fittings (e.g. kitchens, shower cubicles, toilets) and white goods. To a large extent, they are similar to the chalets that have been located in the grounds of Norway House, providing temporary accommodation for homeless households, for many years. The proposed Nominated Supplier (see below) provides a 10-year guarantee for the pods, but has said that they expect units to last 2—25 years. However, since this is a new form of accommodation, this is not possible to evidence.

6. Internal and external photos of pods provided elsewhere are attached at Appendix 1.

## Proposed Pilot Scheme at Norway House

7. Although pods are starting to be provided across the country, they are still a new form of housing provision. Therefore, it is proposed that the concept be prototyped in Epping Forest through an initial Pilot Scheme at Norway House, the Council's Homeless Persons Hostel in North Weald.

8. One of the homelessness pressures that the Council is experiencing is the increasing use of bed and breakfast accommodation. Primarily, B&B hotels are used to accommodate single vulnerable people. However, although it is unlawful to accommodate homeless families with children in B&B for more than 6 weeks, due to other temporary accommodation now generally being full, increasing numbers of families are having to be accommodated in B&B. Therefore, it is proposed that the Pilot Scheme accommodates single vulnerable homeless people who would otherwise have to be accommodated in B&B accommodation. It is proposed that each occupant has their own living area, shower cubicle and WC – and shares a kitchen with the other occupant of the pod. An indicative layout is provided at Appendix 2. This element of sharing will enable licences to be provided to occupants rather than tenancies, which will mean that if any occupants need to be evicted for any reason, it can be done very quickly, without recourse to the courts.

9. The availability of suitable land at Norway House has been investigated. Initially, two separate sites were identified, on either side of the building. However, discussions with Planning Officers have ruled out one of the sites, a disused drying area, since it is within the designated Roughtallys Wood Nature Reserve, meaning that the area is protected from development. Planning officers have therefore advised that they could not support any planning application for development on this site.

10. However, the other site – which forms part of one of the car parks on the other side of Norway House – is considered, under the circumstances, to be a suitable site for the Pilot Scheme. Therefore, in the first instance, it is proposed that the Pilot Scheme provides three pods to accommodate 6 single vulnerable homeless people. Since there is already a shortage of storage space at Norway House, which will be exacerbated by the arrival of additional homeless households accommodated by the Pilot Scheme, and bearing in mind that the Council has a statutory duty to store homeless people's possessions, it is proposed that a low-cost metal storage container also be provided as part of the Pilot Scheme.

11. It is therefore proposed that the three pods and storage container be stacked two-storied, with metal staircases to the pods on the first floor, on the identified site. In accordance with housing legislation and good practice (in order to minimise the risk of fire spread), the two double-storied stacks must have a minimum 6 metre separation space between them. Appendix 3 provides a site plan, showing the proposed layout.

12. It should be noted that there are currently around 45 car parking spaces within the two car parks at Norway House and that the (approximate) 26 car parking spaces currently provided on the proposed site will reduce by around 14 spaces through the provision of the pods. The net position would therefore be a reduction of 30% - to 31 spaces. However, it is proposed that 6 new car parking spaces be provided on the site (shown on Appendix 2) to replace some of the lost car parking provision. Moreover, in order to maximise the use of the resultant parking areas, it is proposed that all the parking bays at Norway House be properly marked out.

## Proposed Supplier and Delivery of the Pilot Scheme Project

13. The company that provided the pods for Chelmsford CC, and which was visited by members and officers, is Mac Container Company Ltd located on North Weald Airfield.

Since they have proven experience by other councils, are a local company based in the District - and in view of the relatively small-scale nature of the Pilot Scheme and the officer time and delay that would be involved in seeking competitive tenders - it is proposed that this company supplies the pods and, accordingly, be the Council's Nominated Supplier. This would require Section 6.1 of the Council's Procurement Rules to be waived.

14. The Assistant Director (Accountancy) has undertaken an Experian Credit Check of Mac Container Company Ltd, which has established that the Company is not a large one and that no audited accounts have been filed. However, based on the accounts available and the relatively small scale of the proposal (with the accommodation being provided before they are paid for), the view of the Assistant Director (Accountancy) is that their appointment as the Nominated Supplier is "low risk".

15. However, since the cost of supply will be in excess of the EU Procurement Threshold for supplies (£164,176), it is proposed that competitive tenders be invited for a works contract from contractors based on Constructionline to supply and install the modular accommodation (from Mac Container Company Ltd as the Council's Nominated Supplier, at a pre-agreed price) and to undertake all the required ground and infrastructure works, through a JCT Intermediate Form of Contract.

#### Planning Issues

16. The Assistant Director (Development Management) and the Senior Conservation Officer have been consulted on the proposal. They have raised a number of planning concerns about the proposed Pilot Scheme, particularly around the loss of parking at Norway House and the impact that the siting of the pods in the grounds of Norway House will have, in view of its Grade II listing on the Statutory List of Buildings of Special Architectural or Historic Interest. It should be noted, though, that a Listed Buildings application will not be required.

17. However, they have weighed these concerns up with the greater benefits of providing a much-needed social community resource and concluded that, on balance, they could support the principle of the Pilot Scheme development, subject to the outcome of the required planning application's public consultation exercise.

#### Staffing and Concerns

18. The proposals have been discussed with the staff who are responsible for managing Norway House. It is fair to say that the on-site staff, in particular, have strong concerns about the heightened risk to staff and other residents about increasing the number of occupants at Norway House with single vulnerable people.

19. By legal definition, vulnerable people are those who are *"less able to fend for themselves than an ordinary person so that injury or detriment to them will result where a less vulnerable person would be able to cope without harmful effects"*. In reality, the vast majority of single vulnerable people are people with serious mental health problems – which can include schizophrenia, psychosis and bipolar disorder.

20. Whilst there is undoubtedly a heightened risk, ways of mitigating these risks have been discussed with the staff. Firstly, it is the view of both Management and staff that since the Pilot Scheme only proposes the accommodation of an additional six single vulnerable people, there does not appear to be a need to increase the amount of on-site staffing at this stage. However, if the Pilot Scheme proves successful and, for example, further pods are provided at Norway House in the future, there will be a clear need to review the level of on-site staffing.

21. It is also proposed that, in view of the numbers of single vulnerable people presenting as homeless, the pods are provided as temporary “move-on accommodation” for single people already accommodated in B&B who are considered to be low-risk.

22. Most importantly, in order to assist, support and protect staff at Norway House on occasions when they or other residents feel at risk from residents, particularly out of normal office hours and when lone working, it is proposed that a private security company be appointed to provide security officers to attend Norway House, on an ad-hoc basis when required, and that appropriate revenue budgetary provision be made to fund the appointment. In any event, this provision would be welcomed – and indeed needed on occasions – even if the Pilot Scheme was not undertaken. It is estimated that budget provision of £5,000 per annum will be required which, for the first year can be funded from HRA Balances and then incorporated within the HRA Budget in future years.

#### Budget Costings, Comparisons and Invest to Save

23. Negotiations are currently ongoing with Mac Container Company Ltd for a price to provide, equip (to the Council’s specification) and transport to site three pods and one storage container. The budget estimate is £100,000, but the agreed price will be reported orally at the meeting. It is estimated that the cost of the selected contractor to install the pods on site and undertake all the ground and infrastructure works, including the connection of all required services, together with all associated fees, will be around £245,000. However, it should be noted that, at this stage, no topographical survey or survey of underground services has been undertaken, so these estimated costs may change. The total estimated budget capital cost of the Pilot Scheme is therefore around £345,000. Under the Council’s housebuilding agreement with the DCLG, it is proposed that 30% of these costs are funded from some of the unallocated 141 Receipts.

24. The average cost per square metre of providing the pods is around £1,100/sq.m, including fixtures, fittings and equipment - which can be compared with the estimated cost of around £1,800/sq.m, excluding fixtures, fittings and equipment to construct a more purpose-built, permanent building.

25. The charge made to single homeless people accommodated in B&B hotels, which is eligible for housing benefit, is equivalent to around £15,920 per annum. Although the charge is self-funded (i.e. is equivalent to the charge made to the Council by the hotels) the Council’s Housing Benefit Service is only able to recover the equivalent of around £7,640 (48%) per person per annum from the Government. This is because the Government wants to penalise local authorities to accommodate homeless households in B&B. Therefore, the resultant average cost to the General Fund, through the loss of housing benefit subsidy, is around £8,280 per person per annum - whereas, 100% of the cost of providing housing benefit to single people in the pods can be recovered from Government.

26. Furthermore, licence income of around £2,500 per annum per person will be received from the charges made to the occupants for using the pods (based on a charge of £48.80 per week). Therefore, from an “invest to save” perspective, the payback period for providing one pod will be around 5.3 years (or 3.7 years on the basis that the 141 Receipts that it is proposed will fund 30% of the costs would otherwise be lost to the Council, due to their required payment to the DCLG if the Council does not continue with its Council Housebuilding Programme).

#### Future Provision

27. Depending on the experience and success of the Pilot Scheme, it is suggested that officers discuss with the Housing Portfolio Holder whether or not (and how and where) similar

temporary modular accommodation, perhaps for homeless families, could be provided in the District on a wider scale in the future.

### **Resource Implications**

As set out in the detailed report above.

### **Legal and Governance Implications**

Housing Act 1985.

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

In view of the risks highlighted in the main report, the outcome will not provide a safer environment at Norway House.

As a result of the reduction in car parking and grassed areas due to the proposed development, there will be a reduction in green benefits.

### **Consultation Undertaken**

The two ward members for North Weald have been consulted on the content of this report and their comments are as follows:

Cllr David Stallan Supports the proposal in principle, as he thinks this will help alleviate the current housing problem

Cllr Anne Grigg Understands that planning consent will be required should the Council wish to go ahead with the provision. With the information she has at present, and in light of the increasing need for temporary accommodation to be provided to homeless households, she is supportive of the proposals. She does not find the exterior of the proposed temporary accommodation visually attractive.

### **Background Papers**

None.

### **Risk Management**

The main risks are as follows:

(a) The Pilot Scheme is not successful for some reason (e.g. the pods are found to be unsuitable for some reason) – this is one of the main reasons for undertaking a Pilot Scheme in the first instance. However, experiences elsewhere suggest that they should be suitable.

(b) The pods do not last very long for habitable use – this is mitigated by the suppliers providing a 10-year guarantee. Although this is not expected to be the case, in view of the relatively short payback-period, the pods will have paid for themselves in less than 3 years anyway.

(c) The pods incur high maintenance costs over their operational life – however, unless the annual costs are greater than the annual licence income, the Pilot Scheme will still be cost-effective

(d) The usual risks involved with a JCT works contract (e.g increased costs) – this will be mitigated through ensuring an appropriate specification and effective supervision of the works.

(e) Planning permission is not received – this has already been mitigated by consulting planning officers early, which will continue up to submission of the planning application.

### **Equality Analysis**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 4 to the report (to follow).



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# Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

If you require further help, please contact the Performance Improvement Unit.

## Step 1. About the policy, service change or withdrawal

|  |   |
|--|---|
| Name of the policy, service or project: <i>be specific</i> | Pilot Scheme for the Provision of Modular Temporary Accommodation for Single Vulnerable Homeless People   |
| Revised / new / withdrawal:                                | New   |
| Intended aims / outcomes/ changes:                         | Temporary accommodation for Single Vulnerable Homeless People - Norway House North Weald  |
| Relationship with other policies / projects:               | <p><a href="#">EFDC Housing Allocations Scheme</a> – the Council’s policy for assessing need and priority for council housing accommodation.</p> <p><a href="#">HRA Business Plan 2016-17</a> – the Housing Register is assessed and housing need is reflected in the new build plans</p> <p><a href="#">EFDC Strategic Housing Market Assessment</a></p> <p><a href="#">EFDC Combined Policies Local Plan 1998 alterations 2006</a> – plans for EFDC community infrastructure and future development to meet the needs of the local population and improve resources.</p> <p><a href="#">EFDC Homeless Strategy</a></p> <p><a href="#">EFDC homelessness leaflet 2011 - currently being updated</a></p> <p><a href="#">EFDC KPI COM004 - How many households were housed in temporary accommodation</a></p> <p>P1E 2015-16 Q1,2,3,4 submissions</p> <p><a href="#">EFDC Procurement Rules April 2016</a></p> |
| Name of senior manager for the policy /                    | Alan Hall, Director of Communities  |

|                                   |   |
|-----------------------------------|---|
| project:                          |   |
| Name of policy / project manager: | Alan Hall, Director of Communities  |
| Other relevant documentation:     | <a href="#">ONS Census Data 2011</a><br><a href="#">ONS Subnational population projections for England 2012 – based on 2011 Census</a><br><a href="#">Strategic Housing Market Assessment for West Essex &amp; East Herts 2015</a><br><a href="#">Parking Standards Design and Good Practice. Government-equalities-office</a><br><a href="#">Housing Act 1996 – Part VII</a><br><a href="#">Housing Act 1985</a><br><a href="#">Mental Health Joint Strategic Needs Assessment (JSNA)</a><br><a href="#">Local Authority District - Indices of deprivation via <a href="http://www.gov.uk">www.gov.uk</a></a><br><a href="#">Homeless Health – JSNA 2014 full report</a><br><a href="#">Statutory Homelessness Statistical Release October to December 2015</a><br><a href="#">The Homelessness (Priority Need for Accommodation) (England) Order 2002</a><br><a href="#">Detailed local authority level homelessness figures: July to Sept 2016 &amp; Apr-Jun.xlsx via <a href="http://www.gov.uk">www.gov.uk</a></a> |

**Step 2. Decide if the policy, service change or withdrawal is equality relevant**

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <p>Age<br/> Disability<br/> Pregnancy and maternity</p> <p>If no, state reasons for your decision:</p> |
|--|---|

### Step 3. Gather evidence to inform the equality analysis

What evidence have you gathered to help you understand the impact of your policy or service change or withdrawal on people? What does your evidence say about the people with the protected characteristics? If there is no evidence available for any of the characteristics, please explain why this is the case, and your plans to obtain relevant evidence. Please refer to Factsheet 2 ‘Sources of evidence for the protected characteristics’

| Characteristic | Evidence (name of research, report, guidance, data source etc)                  | What does this evidence tell you about people with the protected characteristics?  |
|----------------|---|--|
| Age            | <a href="#">Housing Act 1985</a><br><a href="#">Housing Act 1996 – Part VII</a> | <p>‘Homelessness’: -The person has no accommodation, anywhere, that is available for occupation and they are legally entitled to occupy; or have accommodation but cannot gain entry to it, or it is a mobile home and there is nowhere to part it; or you have accommodation but it is not reasonable for you to live there; for example if you have been in hospital with a serious health problem and would no longer be able to cope in that property, even with support.</p> <p>Threatened with homelessness if it is likely that you will become homeless within 28 days.</p> <p>If a lack of accommodation forces you to be separated of your family who would normally live with you.</p>  |
|                | <a href="#">ONS Census Data 2011</a>  | <p>Epping Forest District</p> <p><u>Population &amp; migration</u></p> <ul style="list-style-type: none"> <li>• 18.4% 0-15 years old</li> <li>• 10.1% - 16-24 years old</li> <li>• 32.9% - 25-49 years old</li> </ul> <p><u>Age Structure within the district</u></p> <ul style="list-style-type: none"> <li>• 1.2% - 15 years old</li> <li>• 2.5% - 16-17 years old</li> <li>• 2.2% - 18-19 years old</li> <li>• 5.3% - 20-24 years old</li> <li>• 5.3% - 25-29 years old</li> <li>• 20.5% - 30-44 years old</li> </ul> <p><u>Population Density</u></p> <ul style="list-style-type: none"> <li>• Essex No. of persons per hectare 3.7% (124,659) East of England - 3.1% (5,846,965.)</li> <li>• England – 4.1 % (53,012,456.)</li> </ul> <p><u>Resident population est Mid 2014</u></p> <ul style="list-style-type: none"> <li>• 7,200 – 15-19 years old</li> <li>• 7,200 – 20-24 years old</li> <li>• 7,400 – 25-29 years old</li> <li>• 7,800 - 30-34 years old</li> <li>• 8,100 – 35-39 years old</li> <li>• 9,100 – 40-44 years old</li> </ul> |

|                                  |  | <p><u>Homelessness (Statutory) 2011</u></p> <p>Total as of 31 March 2011</p> <ul style="list-style-type: none"> <li>• Temporary accommodation: -47</li> <li>• B&amp;B - 5</li> <li>• Hostel style - 32</li> <li>• LA or RSL Owned accom - 9</li> <li>• Private Sector - 1</li> <li>• Other types - 0</li> </ul>  |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
|----------------------------------|--|--|-----------|------------|-------------|-----------|-----------|------------|-------|------------------------|---------|---------|---------|---------|-------------|----|----|----------------|---|----------------------------------|---|---|-------|----|---------|----|----|--------------|-----------|-----------|-----------|------------|
|                                  | <a href="#">EFDC KPI COM004 - How many households were housed in temporary accommodation</a>   | <p>The number of households in temporary accommodation provided under homelessness legislation has increased in recent years – the figures for the first quarters of the current years are as follows:</p> <p>2016-17</p> <ul style="list-style-type: none"> <li>• Q1 – 103</li> <li>• Q2 – 111</li> <li>• Q3 - 101</li> </ul>   |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
|                                  | <a href="#">Detailed local authority level homelessness figures: July to Sept 2016 &amp; Apr-Jun.xlsx</a> via <a href="http://www.gov.uk">www.gov.uk</a> | <p>Epping Forest</p> <p>Applicant's age when accepted as eligible: -</p> <table border="1"> <thead> <tr> <th>Age</th> <th>Apt-Jun 16</th> <th>Jul-Sept 16</th> </tr> </thead> <tbody> <tr> <td>16-24</td> <td>0</td> <td>5</td> </tr> <tr> <td>25-44</td> <td>9</td> <td>6</td> </tr> </tbody> </table>  | Age       | Apt-Jun 16 | Jul-Sept 16 | 16-24     | 0         | 5          | 25-44 | 9                      | 6       |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Age                              | Apt-Jun 16   | Jul-Sept 16  |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| 16-24                            | 0  | 5  |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| 25-44                            | 9  | 6  |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
|                                  | <p><a href="#">EFDC Homelessness Strategy</a></p> <p>and<br/>P1E 2015-16<br/>Q1,2,3,4</p>  | <p>Pg 12:</p> <p>Number of applicants to whom a full duty is owed</p> <table border="1"> <thead> <tr> <th></th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> </tr> </thead> <tbody> <tr> <td>61</td> <td>65</td> <td>52</td> </tr> </tbody> </table> <p>Priority Need Analysis</p> <table border="1"> <thead> <tr> <th>Priority need category</th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> </tr> </thead> <tbody> <tr> <td>16/17 years</td> <td>1</td> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td>Formerly in care &amp; aged 18-20yrs</td> <td>0</td> <td>1</td> <td>1</td> <td>0</td> </tr> <tr> <td>Old age</td> <td>1</td> <td>3</td> <td>1</td> <td>1</td> </tr> </tbody> </table> |           | 2012/13    | 2013/14     | 2014/15   | 61        | 65         | 52    | Priority need category | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 16/17 years | 1  | 1  | 0              | 0 | Formerly in care & aged 18-20yrs | 0 | 1 | 1     | 0  | Old age | 1  | 3  | 1            | 1         |           |           |            |
|                                  | 2012/13  | 2013/14  | 2014/15   |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| 61                               | 65   | 52   |           |            |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Priority need category           | 2012/13  | 2013/14  | 2014/15   | 2015/16    |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| 16/17 years                      | 1  | 1  | 0         | 0          |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Formerly in care & aged 18-20yrs | 0  | 1  | 1         | 0          |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Old age                          | 1  | 3  | 1         | 1          |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
|                                  | P1E 2015-16<br>Q1,2,3,4<br>submissions   | <p>Usage of B&amp;B hotels etc</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Apt / Jun</th> <th>Jul / Sept</th> <th>Oct / Dec</th> <th>Jan / Mar</th> </tr> </thead> <tbody> <tr> <td>B&amp;B Hotels</td> <td>9</td> <td>16</td> <td>19</td> <td>22</td> </tr> <tr> <td>Hostel</td> <td>41</td> <td>42</td> <td>43</td> <td>38</td> </tr> <tr> <td>Women's refuge</td> <td>6</td> <td>8</td> <td>6</td> <td>9</td> </tr> <tr> <td>Other</td> <td>17</td> <td>17</td> <td>27</td> <td>32</td> </tr> <tr> <td><b>Total</b></td> <td><b>73</b></td> <td><b>83</b></td> <td><b>95</b></td> <td><b>101</b></td> </tr> </tbody> </table>   | Type      | Apt / Jun  | Jul / Sept  | Oct / Dec | Jan / Mar | B&B Hotels | 9     | 16                     | 19      | 22      | Hostel  | 41      | 42          | 43 | 38 | Women's refuge | 6 | 8                                | 6 | 9 | Other | 17 | 17      | 27 | 32 | <b>Total</b> | <b>73</b> | <b>83</b> | <b>95</b> | <b>101</b> |
| Type                             | Apt / Jun  | Jul / Sept   | Oct / Dec | Jan / Mar  |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| B&B Hotels                       | 9  | 16   | 19        | 22         |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Hostel                           | 41   | 42   | 43        | 38         |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Women's refuge                   | 6  | 8  | 6         | 9          |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| Other                            | 17   | 17   | 27        | 32         |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |
| <b>Total</b>                     | <b>73</b>  | <b>83</b>  | <b>95</b> | <b>101</b> |             |           |           |            |       |                        |         |         |         |         |             |    |    |                |   |                                  |   |   |       |    |         |    |    |              |           |           |           |            |

| <p>Disability</p>            | <p><a href="#">Local Authority District - Indices of Deprivation</a> via <a href="http://www.gov.uk">www.gov.uk</a><br/><a href="#">Mental Health JSNA</a></p>       | <p>Mental Health JSNA Pg 29</p> <p><u>Deprivation and Poverty</u></p> <p>Deprivation can often be an indicator of mental health need as it is related to many associated risks (housing, employment, poverty). Some of the most deprived and affluent areas of England are located in Essex.</p> <p><u>Index of Multiple Deprivation (IMD)</u></p> <ul style="list-style-type: none"> <li>• Essex 2015 IMD is 17.2 compared to 21.8 nationally.</li> <li>• Epping Forest – 15.263</li> <li>• Harlow – 23.558</li> <li>• Tendring – 28.445</li> <li>• Brentwood – 9.881</li> </ul> <p><u>Mental Health JSNA Pg 31</u></p> <p>“...70% of people accessing homelessness services have a mental health problem. Many of these people do not receive the support they need to overcome their mental health and substance misuse problems.”</p> <p>Within this document it states:-</p> <p><i>“a survey of 152 homeless people in Essex...” “..the majority suffered from stress, anxiety or depressions. 84% of participants experienced at least 1 of these and 63% experienced all three.”</i></p> <p>Nearly half reported using drugs and alcohol as coping mechanisms. Approx. 41% had been diagnosed with a mental health condition (0.7% of the Essex population is on a GP Mental Health Conditions Register). Approx. 1 third with mental health issues are currently receiving support.</p> |                        |         |         |         |         |                     |   |   |   |   |                              |   |   |   |   |
|------------------------------|--|---|------------------------|---------|---------|---------|---------|---------------------|---|---|---|---|------------------------------|---|---|---|---|
|                              | <p>Demographic Information in Local Plan – <a href="#">BGP1 Housing Background Paper</a></p>   | <p>Pg. 12 Paragraph 1.39</p> <p><i>“...overall housing need increased by 641 households to take account of concealed and homeless households that would not be captured by the household projections.”</i></p>  |                        |         |         |         |         |                     |   |   |   |   |                              |   |   |   |   |
|                              | <p><a href="#">EFDC Homelessness Strategy</a> Pg14</p> <p>and<br/>P1E 2015-16<br/>Q1,2,3,4</p>   | <p>Priority Need Analysis</p> <table border="1"> <thead> <tr> <th>Priority need category</th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> </tr> </thead> <tbody> <tr> <td>Physical disability</td> <td>3</td> <td>0</td> <td>6</td> <td>6</td> </tr> <tr> <td>Mental illness or disability</td> <td>1</td> <td>6</td> <td>5</td> <td>7</td> </tr> </tbody> </table>   | Priority need category | 2012/13 | 2013/14 | 2014/15 | 2015/16 | Physical disability | 3 | 0 | 6 | 6 | Mental illness or disability | 1 | 6 | 5 | 7 |
| Priority need category       | 2012/13  | 2013/14   | 2014/15                | 2015/16 |         |         |         |                     |   |   |   |   |                              |   |   |   |   |
| Physical disability          | 3  | 0   | 6                      | 6       |         |         |         |                     |   |   |   |   |                              |   |   |   |   |
| Mental illness or disability | 1  | 6   | 5                      | 7       |         |         |         |                     |   |   |   |   |                              |   |   |   |   |
|                              | <p><a href="#">Statutory Homelessness Statistical Release October to December 2015</a></p> <p><a href="#">The Homelessness (Priority Need for Accommodation)</a></p> | <p>In 2002 an Order made under the 1996 Act extended the priority need categories to include applicants who: -</p> <ul style="list-style-type: none"> <li>• are aged 16 or 17;</li> <li>• are aged 18 to 20 and previously in care, were previously in custody; were previously in HM Forces; or</li> <li>• were forced to flee their home because of violence or the threat of violence.</li> </ul>  |                        |         |         |         |         |                     |   |   |   |   |                              |   |   |   |   |

|                                      | <a href="#">(England) Order 2002</a>   |   |                        |           |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
|--------------------------------------|--|---|------------------------|-----------|------------|-----------|-----------|----------------------------------|----|----|----|----|--------------------------------|----|---|---|----|------------------------------|---|---|---|---|--|----|----|----|----|
| Pregnancy and maternity              | <a href="#">Statutory Homelessness Statistical Release October to December 2015</a>  | Priority need groups include households with dependent children and/or a pregnant woman and individuals who are vulnerable in some way. Individuals are classed as vulnerable if they: have mental illness or physical disability; are a young person (16 to 17 years old, or 18 to 20 years old and vulnerable as a result of previously being in care); were vulnerable as a result of previously being in custody; were vulnerable as a result of previously being in HM Forces; or were forced to flee their home because of violence or the threat of violence.                            |                        |           |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
|                                      | <a href="#">EFDC Homelessness Strategy Pg14</a>  | <p>Priority Need Analysis</p> <table border="1"> <thead> <tr> <th>Priority need category</th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> </tr> </thead> <tbody> <tr> <td>Pregnant no other children</td> <td>1</td> <td>3</td> <td>0</td> <td>0</td> </tr> </tbody> </table>   | Priority need category | 2012/13   | 2013/14    | 2014/15   | 2015/16   | Pregnant no other children       | 1  | 3  | 0  | 0  |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Priority need category               | 2012/13  | 2013/14   | 2014/15                | 2015/16   |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Pregnant no other children           | 1  | 3   | 0                      | 0         |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Dependents / caring responsibilities | <a href="#">Detailed local authority level homelessness figures: July to Sept 2016</a> via <a href="#">www.gov.uk</a><br><br>and<br>P1E 2015-16 Q1,2,3,4 | <p>Epping Forest</p> <p>Applicant households: - 2015-16</p> <table border="1"> <thead> <tr> <th></th> <th>Apt / Jun</th> <th>Jul / Sept</th> <th>Oct / Dec</th> <th>Jan / Mar</th> </tr> </thead> <tbody> <tr> <td>Couple with dependent children –</td> <td>2</td> <td>5</td> <td>1</td> <td>3</td> </tr> <tr> <td>Female with dependent children</td> <td>16</td> <td>8</td> <td>9</td> <td>11</td> </tr> <tr> <td>Male with dependent children</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td></td> <td>18</td> <td>13</td> <td>10</td> <td>14</td> </tr> </tbody> </table> |                        | Apt / Jun | Jul / Sept | Oct / Dec | Jan / Mar | Couple with dependent children – | 2  | 5  | 1  | 3  | Female with dependent children | 16 | 8 | 9 | 11 | Male with dependent children | 0 | 0 | 0 | 0 |  | 18 | 13 | 10 | 14 |
|                                      | Apt / Jun  | Jul / Sept  | Oct / Dec              | Jan / Mar |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Couple with dependent children –     | 2  | 5   | 1                      | 3         |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Female with dependent children       | 16   | 8   | 9                      | 11        |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Male with dependent children         | 0  | 0   | 0                      | 0         |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
|                                      | 18   | 13  | 10                     | 14        |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
|                                      | <a href="#">Statutory Homelessness Statistical Release October to December 2015</a>  | Priority need groups include households with dependent children and/or a pregnant woman and individuals who are vulnerable in some way  |                        |           |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
|                                      | <a href="#">EFDC Homelessness Strategy Pg14</a><br><br>and<br>P1E 2015-16 Q1,2,3,4   | <p>Priority Need Analysis</p> <table border="1"> <thead> <tr> <th>Priority need category</th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> </tr> </thead> <tbody> <tr> <td>Dependent children</td> <td>53</td> <td>50</td> <td>37</td> <td>55</td> </tr> <tr> <td>Pregnant no other children</td> <td>1</td> <td>3</td> <td>0</td> <td>0</td> </tr> </tbody> </table>  | Priority need category | 2012/13   | 2013/14    | 2014/15   | 2015/16   | Dependent children               | 53 | 50 | 37 | 55 | Pregnant no other children     | 1  | 3 | 0 | 0  |                              |   |   |   |   |  |    |    |    |    |
| Priority need category               | 2012/13  | 2013/14   | 2014/15                | 2015/16   |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Dependent children                   | 53   | 50  | 37                     | 55        |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Pregnant no other children           | 1  | 3   | 0                      | 0         |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Gender reassignment                  | None identified  | None identified   |                        |           |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Marriage and civil partnership       | None identified  | None identified   |                        |           |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Race / ethnicity                     | <a href="#">EFDC Homelessness Strategy Pg 13</a>   | <p>Ethnicity of all Homeless applicants is set out in the table below.</p> <table border="1"> <thead> <tr> <th>Ethnicity</th> <th>2012/13</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> </tr> </thead> <tbody> </tbody> </table>  | Ethnicity              | 2012/13   | 2013/14    | 2014/15   | 2015/16   |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |
| Ethnicity                            | 2012/13  | 2013/14   | 2014/15                | 2015/16   |            |           |           |                                  |    |    |    |    |                                |    |   |   |    |                              |   |   |   |   |  |    |    |    |    |

|                                      |  |   |                            |            |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
|--------------------------------------|--|---|----------------------------|------------|----|----|----|--------------------------------------|---|---|---|---|---------------------------|---|---|---|---|------------------------|---|---|---|---|--------------|---|---|---|---|-------------------|----|----|----|----|--------------|------------|------------|-----------|------------|
|                                      | and<br>P1E 2015-16<br>Q1,2,3,4               | <table border="1"> <tr> <td><b>White British/Irish</b></td> <td>72</td> <td>59</td> <td>56</td> <td>93</td> </tr> <tr> <td><b>Bangladeshi /Pakistani/Indian</b></td> <td>3</td> <td>8</td> <td>9</td> <td>1</td> </tr> <tr> <td><b>African /Caribbean</b></td> <td>0</td> <td>1</td> <td>1</td> <td>3</td> </tr> <tr> <td><b>Mixed Ethnicity</b></td> <td>0</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td><b>Other</b></td> <td>0</td> <td>3</td> <td>0</td> <td>1</td> </tr> <tr> <td><b>Not stated</b></td> <td>39</td> <td>33</td> <td>28</td> <td>27</td> </tr> <tr> <td><b>Total</b></td> <td><b>114</b></td> <td><b>104</b></td> <td><b>95</b></td> <td><b>125</b></td> </tr> </table> | <b>White British/Irish</b> | 72         | 59 | 56 | 93 | <b>Bangladeshi /Pakistani/Indian</b> | 3 | 8 | 9 | 1 | <b>African /Caribbean</b> | 0 | 1 | 1 | 3 | <b>Mixed Ethnicity</b> | 0 | 0 | 1 | 0 | <b>Other</b> | 0 | 3 | 0 | 1 | <b>Not stated</b> | 39 | 33 | 28 | 27 | <b>Total</b> | <b>114</b> | <b>104</b> | <b>95</b> | <b>125</b> |
| <b>White British/Irish</b>           | 72   | 59  | 56                         | 93         |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>Bangladeshi /Pakistani/Indian</b> | 3  | 8   | 9                          | 1          |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>African /Caribbean</b>            | 0  | 1   | 1                          | 3          |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>Mixed Ethnicity</b>               | 0  | 0   | 1                          | 0          |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>Other</b>                         | 0  | 3   | 0                          | 1          |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>Not stated</b>                    | 39   | 33  | 28                         | 27         |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| <b>Total</b>                         | <b>114</b>                                   | <b>104</b>  | <b>95</b>                  | <b>125</b> |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| Religion or belief                   |  |   |                            |            |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| Sex                                  |  |   |                            |            |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| Sexual orientation                   |  |   |                            |            |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |
| Staff                                | Consultation with Norway House staff members | Have strong concerns for staff safety and that of other residents due to the increasing number of occupants at Norway House with the addition of single vulnerable people.  |                            |            |    |    |    |                                      |   |   |   |   |                           |   |   |   |   |                        |   |   |   |   |              |   |   |   |   |                   |    |    |    |    |              |            |            |           |            |

**Steps 4 & 5 Analyse the activity, policy or change (*The duty to eliminate unlawful discrimination*)**

Based on the evidence you have analysed, describe any actual or likely adverse impacts that may arise as a result of the policy decision. Where actual or likely adverse impacts have been identified, you should also state what actions will be taken to mitigate that negative impact, ie what can the Council do to minimise the negative consequences of its decision or action.

| <i>Characteristic</i>                | <i>Actual or likely adverse impacts identified</i>  | <i>Actions that are already or will be taken to reduce the negative effects identified</i> |
|--------------------------------------|---|--|
| Age                                  | Shortage of space at Norway house will be exacerbated by additional occupants under the pilot scheme and the Council has a statutory duty to store homeless people's possessions. | Proposal of a low cost metal storage container as part of the pilot scheme.                |
| Disability                           |   |  |
| Pregnancy and maternity              |   |  |
| Dependents / caring responsibilities | None identified   | None identified  |
| Gender reassignment                  | None identified   | None identified  |
| Marriage and civil partnership       | None identified   | None identified  |
| Race / ethnicity                     | None identified   | None identified  |
| Religion or belief                   | None identified   | None identified  |
| Sex                                  | None identified   | None identified  |
| Sexual orientation                   | None identified   | None identified  |
| Staff                                | Impact on staff and occupant  | Assess the need of additional on-site  |

|  |  |   |
|--|--|---|
|  | safety due to additional 6 additional occupants (single vulnerable people) | staffing.<br>Proposal for £5,000 per annum to be made (funded by HRA) for the appointment of a security company to provide security officers to attend Norway House, on an adhoc basis when required – to support staff and other resident on occasion when they feel at risk from residents particularly out of normal office hours or lone working. |
|--|--|---|

## Step 6.

### The duty to advance equality of opportunity

Can the policy, service or project help to advance equality of opportunity in any way? If yes, provide details. If no, provide reasons. (Note: not relevant to marriage and civil partnership)

| <i>Characteristic</i>                | <i>Ways that this policy, service or project can advance equality of opportunity</i>   | <i>Why this policy, service or project cannot help to advance equality of opportunity:</i> |
|--------------------------------------|--|--|
| Age                                  | Provides temporary accommodation for: - <ul style="list-style-type: none"> <li>homeless young vulnerable adults</li> <li>those with a disability</li> <li>pregnant or with a very young baby</li> </ul> until suitable permanent accommodation is located.   |  |
| Disability                           |  |  |
| Dependents / caring responsibilities | By providing temporary pods for vulnerable single adults it frees up other types of accommodation that would currently be occupied for them. Creating a safer environment for others who are homeless.<br>It will also reduce B&B hotel accommodation costs. |  |
| Gender reassignment                  | None identified  | None identified  |
| Race / ethnicity                     | None identified  | None identified  |
| Religion or belief                   | None identified  | None identified  |
| Sex                                  | None identified  | None identified  |
| Sexual orientation                   | None identified  | None identified  |

## The duty to foster good relations

Can the policy, service or project help to foster good relations in any way? If yes, provide details. If no, provide reasons. (*Note: not relevant to marriage and civil partnership*)

| <i>Characteristic</i>                | <i>How this policy, service or project can foster good relations:</i>   | <i>Why this policy, service or project cannot help to foster good relations:</i>  |
|--------------------------------------|---|---|
| Age                                  | <ul style="list-style-type: none"> <li>The pods will provide appropriate accommodation for single homeless people with mental health problems and other disabilities, which could include pregnant women.</li> <li>The one (double pod) and the storage container on the ground floor should be able to be accessed by people with disabilities,</li> <li>The pods will provide appropriate accommodation for single homeless people with mental health problems and other disabilities, which could include pregnant women.</li> </ul> | <ul style="list-style-type: none"> <li>May cause safety concerns for existing Norway house residents and staff due to additional occupants.</li> <li>Due to the reduced parking and grassed areas in the proposed development there will be a reduction in green benefits.</li> </ul> |
| Disability                           |   |   |
| Pregnancy and maternity              |   |   |
| Dependents / caring responsibilities |   |   |
| Gender reassignment                  | None identified   |   |
| Race / ethnicity                     | None identified   |   |
| Religion or belief                   | None identified   |   |
| Sex                                  | None identified   |   |
| Sexual orientation                   | None identified   |   |
| Staff                                |   |   |

## Step 7. Documentation and Authorisation

| Summary of actions to be taken as a result of this analysis (add additional rows as required): | Name and job title of responsible officer | How and when progress against this action will be reported |
|--|---|--|
| 1.   |   |  |
| 2.   |   |  |
| 3.   |   |  |

|  |   |
|--|---|
| Name and job title of officer completing this analysis:  | Mary Masterson<br>Performance and Information Officer |
| Date of completion:  | 21.02.2017  |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | Alan Hall<br>Director of Communities                  |
| Date of authorisation:   | 23 <sup>rd</sup> February 2017                        |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   | 23 <sup>rd</sup> February 2017                        |

### **Step 8. Report your equality analysis to decision makers:**

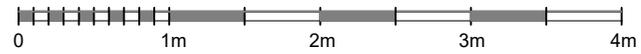
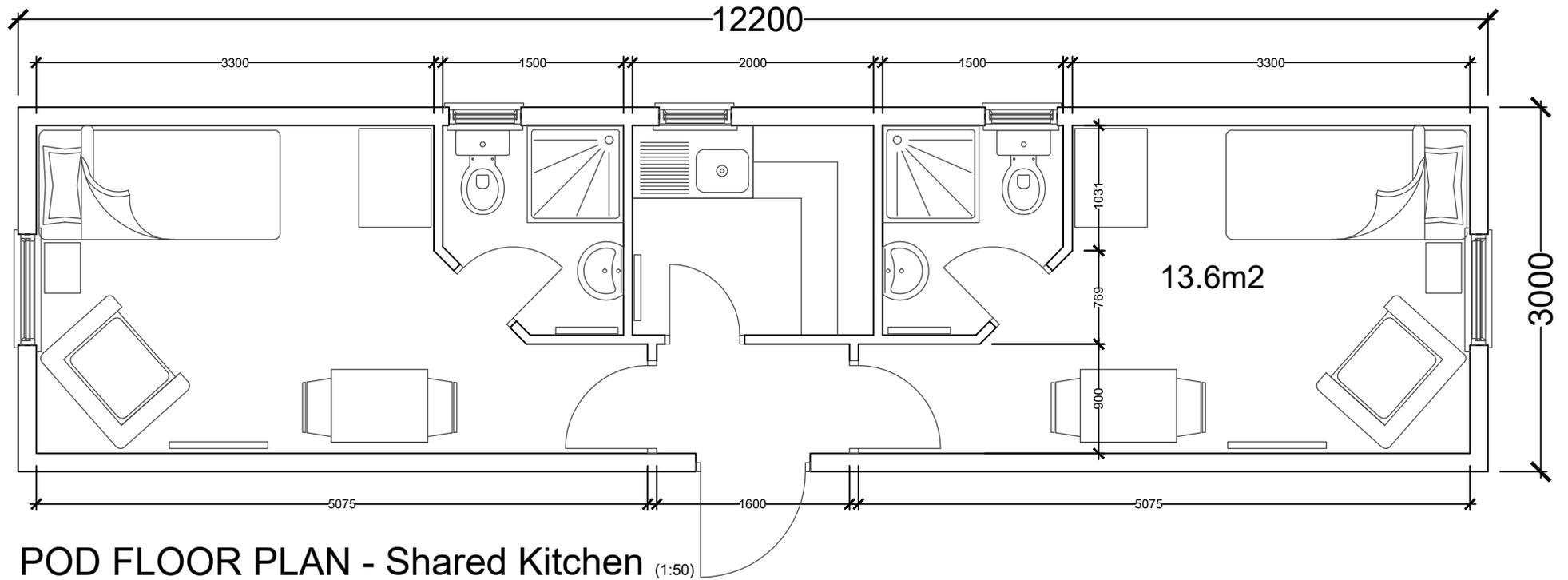
Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

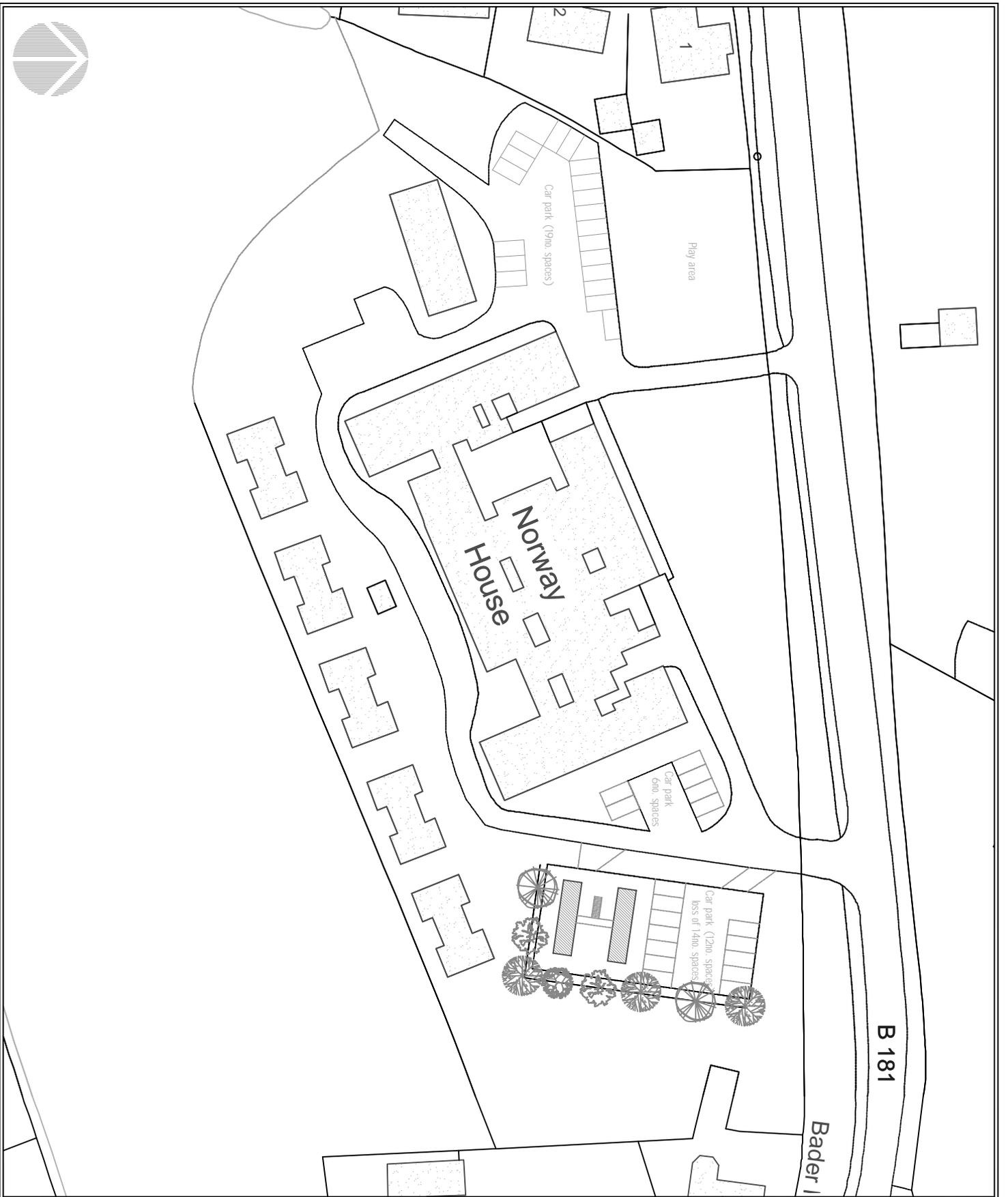
### **Your summary of equality analysis must include the following information:**

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.



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**HOUSING SERVICES**  
 Civic Offices,  
 High Street, Epping,  
 Essex, S11 1EP.  
 Tel:01992 564000.

**Notes**

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OR (for A4 only)

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**Revisions**

**Project**

Norway House,  
 North Weald  
 Essex

**Content**

Proposed homeless pods.

|             |       |          |
|-------------|-------|----------|
| Design      | Drawn | Checked  |
| lgh         | lgh   |          |
| Date        | Scale | CAD File |
| 02/2017     | MIS   |          |
| Project No. |       |          |
| Drawing No. |       |          |
| 1           |       | Rev      |

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## **Epping Forest District Council**

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### **Report to the Cabinet**

**Report reference: C-062-2016/17**

**Date of meeting: 9 March 2017**

**Portfolio: Leader**

**Subject: Corporate Plan Key Action Plan 2016/17 – Quarter 3 Progress**

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

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

---

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

**(1) That the Cabinet reviews the position in relation to the achievement of the Council's Key Action Plan for 2016-17 at the end of Quarter 3.**

#### **Executive Summary:**

The Corporate Plan is the Council's key strategic planning document, setting out its priorities over the five-year period from 2015/16 to 2019/20. The priorities or Corporate Aims are supported by Key Objectives, which provide a clear statement of the Council's overall intentions for these five years.

The Key Objectives are delivered by an annual action plan, with each year building upon the progress against the achievement of the Key Objectives for previous years. The annual action plans contain a range of actions designed to achieve specific outcomes and are working documents and are therefore subject to change and development to ensure the actions remain relevant and appropriate, and to identify opportunities to secure further progress or improvement.

The Key Action Plan for 2016/17 was agreed by Cabinet in October 2015. Progress in relation to individual actions is reviewed by the Cabinet and the Overview and Scrutiny Committee on a quarterly and outturn basis.

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

It is important that relevant performance management processes are in place to review progress against the key objectives, to ensure their continued achievability and relevance, and to identify proposals for appropriate corrective action in areas of slippage or under-performance. This report presents progress against the Key Action Plan for 2016/17 at the end of the third quarter (31 December 2016).

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

No other options are appropriate in this respect. Failure to monitor and review performance against the key objectives, and to consider corrective action where necessary, could have negative implications for the Council's reputation, and might mean that opportunities for improvement were lost. The Council has previously agreed arrangements for the review of progress against the key objectives.

## Report:

1. The Corporate Plan 2015-2020 is the Council's highest level strategic document. It sets the strategic direction for the authority for the five year lifetime of the Plan. It focuses on a number of key areas that the Council needs to focus on during that time and helps to prioritise resources to provide quality services and value for money. These key areas are known as the Corporate Aims and are supported by a set of Key Objectives which represent the Council's high-level initiatives and over-arching goals to achieve the Corporate Aims. The Key Objectives are in turn, delivered via an annual Key Action Plan.

2. The Key Action Plan 2016/17 is populated with actions or deliverables designed to secure progress against each of the Key Objectives during 2016/17. During the subsequent years in the lifetime of the Key Objectives, annual action plans will be developed which build on progress achieved during preceding years.

3. The annual action plans are working documents and are therefore subject to change and development to ensure that the actions remain relevant and appropriate, and to identify opportunities to secure further progress or improvement. During quarter 2, action (i) (b) (5) became no longer required. This is because the Cabinet has decided not to pursue this action, and to construct a car park on the land instead.

4. Progress against the Key Action Plan is reviewed on a quarterly basis to ensure the timely identification and implementation of appropriate further initiatives or corrective action where necessary. A schedule detailing outturn progress against the forty-nine (49) individual actions of the 2016/17 Key Action Plan is attached at Appendix 1 to this report. In reporting progress, the following 'status' indicators have been applied to the individual actions as appropriate for year-end position:

- **Achieved (Green)** - specific deliverables or actions have been completed or achieved in accordance with in-year targets;
- **On-Target (Green)** - specific deliverables or actions will be completed or achieved in accordance with in-year targets;
- **Under Control (Amber)** - specific deliverables or actions have not been completed or achieved in accordance with in-year targets, but completion/achievement will be secured by a revised target date (specified) or by year-end;
- **Behind Schedule (Red)** - specific deliverables or actions have not been completed or achieved in accordance with in-year targets and completion/achievement may not be secured by year-end; and
- **Pending (Grey)** - specific deliverables or actions cannot currently be fully completed or achieved, as they rely on the prior completion of other actions or are dependent on external factors outside the Council's control.

5. There are 49 actions in total for which progress updates for Q3 are as follows:

|                          |           |
|--------------------------|-----------|
| • Achieved or On-Target: | 26 (53%)  |
| • Under Control:         | 13 (27%)  |
| • Behind Schedule:       | 4 (8%)    |
| • Pending:               | 6 (12%)   |
| Total                    | 49 (100%) |

6. The Equality Act 2010 requires that the public sector equality duty is actively applied in decision making. This means that the equality information provided to accompany this report must be actively considered by individual Cabinet members in the course of their

consideration and decision making relating to this report. This is essential reading for all members of Cabinet involved in the consideration of this report.

7. The Cabinet is requested to review the Q3 progress against the Key Action Plan for 2016/17 to deliver the Key Objectives for 2015/2020. This report will also be considered by the Overview and Scrutiny Committee at its meeting on 28 February 2017.

**Resource Implications:**

None for this report.

**Legal and Governance Implications:**

None for this report. Performance monitoring contributes to the delivery of value for money.

**Safer, Cleaner, Greener Implications:**

None for this report.

**Consultation Undertaken:**

The performance information set out in this report has been submitted by each responsible service Director.

**Background Papers:**

None.

**Risk Management:**

None for this report.

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# Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law.

## Step 1. About the policy, service change or withdrawal

|  |   |
|--|---|
| Name of the policy, service or project: <i>be specific</i> | <b>Corporate Plan 2015-20 Key Action Plan 2016/17 Q3 progress</b> |
| Revised / new / withdrawal:                                | <b>Progress report</b>  |
| Intended aims / outcomes/ changes:                         | <b>To deliver the Council's high level aims and objectives</b>    |
| Relationship with other policies / projects:               | <b>Corporate Plan 2015-20</b>                                     |
| Name of senior manager for the policy / project:           | <b>Glen Chipp Chief Executive</b>                                 |
| Name of policy / project manager:                          | <b>Barbara Copson Senior Performance Improvement Officer</b>      |

## Step 2. Decide if the policy, service change or withdrawal is equality relevant

|  |  |
|--|--|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <p><b>All groups are potentially impacted by the Corporate Plan as the aims and objectives are intended to improve services, secure resources, and plan to meet the needs of our communities.</b></p> <p><b>However this report provides details of progress to achieve the actions to deliver the Council's aims and objectives, rather than seek approval for them. Therefore equality information is not required for this report.</b></p> |
|  | <p>If no, state reasons for your decision:</p>   |

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

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

| Action  | Lead Directorates | Target Date | Status        | Progress   |
|---|-------------------|-------------|---------------|--|
| 1) Deliver identified savings                               | Management Board  | 31-Mar-17   | On Target     | Q1 (2016/17) - Printer Migration Project is being implemented. Transformation work-stream is reviewing further opportunities. Reports due in the autumn.   |
|   |                   |             |               | Q2 (2016/17) - Transformation savings of £107,260 of which £70,960 are General Fund and £36,300 HRA.   |
|   |                   |             |               | Q3 (2016/17) - Transformation savings of £107,260 of which £70,960 are General Fund and £36,300 HRA  |
| 2) Progress preparations for delivering savings for 2016/17 | Management Board  | 31-Mar-17   | On Target     | Q1 (2016/17) - Not yet due - will be progressed as part of the 2017/18 budget process.   |
|   |                   |             |               | Q2 (2016/17) - Not yet due - will be progressed as part of the 2017/18 budget process.   |
|   |                   |             |               | Q3 (2016/17) - Not yet due - will be progressed as part of the 2017/18 budget process.   |
| 3) Develop additional business cases                        | Management Board  | 30-Sep-16   | Under Control | Q1 (2016/17) Printer Migration Project is being implemented. Transformation work-stream is reviewing further opportunities. Reports due in the autumn.   |
|   |                   |             |               | Q2 (2016/17) Savings identified for 2016/17 total £107,260, of which £70,960 are general fund and £36,300 are HRA. Savings identified for 2017/18 total £40,500, of which £34,800 are general fund and £5,700 are HRA. Further savings ideas to be considered by the Cabinet for 2017/18 are estimated to range from £480,900 to |

|   |             |           |  |               |   |
|---|-------------|-----------|--|---------------|---|
| 4) Presentation of the Financial Issues Paper and MTFS update   | Resources   | 31-Jul-16 |  | Achieved      | <p>£533,200. Of this £451,300 to £502,800 are general fund and £29,600 to £30,400 are HRA.</p> <p>Q3 (2016/17) Savings identified for 2016/17 total £107,260, of which £70,960 are general fund and £36,300 are HRA.<br/>Savings identified for 2017/18 total £40,500, of which £34,800 are general fund and £5,700 are HRA.</p> <p>Further savings ideas to be considered by the Cabinet for 2017/18 are estimated to range from £480,900 to £533,200. Of this £451,300 to £502,800 are general fund and £29,600 to £30,400 are HRA.</p> <p>(Q1 2016/17) - The Financial Issues Paper will be presented to the Finance &amp; Performance Management Cabinet Committee on 14 July.</p> <p>(Q2 2016/17) - The Financial Issues Paper was presented to the Finance &amp; Performance Management Cabinet Committee on 14 July and the recommendations have now been agreed by Cabinet.</p> <p>(Q3 2016/17) As Q2.</p>  |
| 5) Review the future options for the HRA Financial Plan and to sell "high value" empty Council properties | Communities | 30-Nov-16 |  | Under Control | <p>Q1 (2016/17) - Awaiting Government Guidance and Regulations on the sale of "higher value" empty Council properties. The Review cannot be effectively undertaken until the level of the required levy to be paid to the Government is known.</p> <p>Q2 (2016/17) - As Q1. However, some preliminary work on the resources available to the HRA for the Housebuilding Programme and levels of investment on the Council's housing stock have commenced, which will feed in to the review.</p> <p>Q3 (2016/17) Following the Government's announcement that the proposed High Value Voids Levy will not commence until at least 2018/19, and in view of the need to make strategic decisions for the HRA, the Housing Portfolio Holder has agreed that the further HRA Financial Options Review should be undertaken in 2 stages. The Council's HRA Business Planning Consultant has therefore been commissioned to provide a Stage 1 Options Report for consideration and it is planned to present</p> |



the Options Report to the Finance and PM Cabinet Committee in Spring 2017, following consultation with the Communities Select Committee and Tenants and Leaseholders Federation, as previously agreed.

Key Objective (i)(b) To continue to review and develop the Council’s own assets and landholdings for appropriate uses, in order to maximise revenue streams and capital receipts, and to deliver the following key projects:

- The Epping Forest Shopping Park, Loughton
- Council Housebuilding Programme
- St John’s Redevelopment Scheme, Epping
- North Weald Airfield

| Action   | Lead Directorates | Target Date | Status        | Progress  |
|--|-------------------|-------------|---------------|---|
| 1) Complete phase 1 of the Council House-buildings         | Communities       | 30-Nov-16   | Under Control | <p>Q1 (2016/17) Following the termination of the contract with the contractor for Phase 1, due to poor performance, negotiations are being held with another contractor to complete the works.</p> <p>Q2 (2016/17) Following a comprehensive assessment of the outstanding works, PA Finlay has now been selected to complete the works through a Completion Contract. The contract is currently in the process of being signed. It is expected that works will commence on site W/C 31st October 2016.</p> <p>Q3 (2016/17) Works commenced W/C 31st October 2016 as planned and the completed homes will be handed over in phases during 2017 for letting.</p> |
| 2) Commence Phase 2 of the Council Housebuilding Programme | Communities       | 30-Apr-16   | Achieved      | <p>(Q1 2016/17) - The contract has been signed, the contractor has taken possession of the site and is due to commence works shortly.</p> <p>(Q2 2016/17) - Works have commenced.</p> <p>(Q3 2016/17) Works continue. There has been a delay due to the need to undertake detailed contamination investigations and associated remedial works, but the contractor is of the view that the programme can be brought back on</p>  |

|  |                       |                  |                      |  |
|--|-----------------------|------------------|----------------------|--|
| <p>3) Relocate the Housing Repairs Service from the Epping Depot to alternative suitable alternative premises</p>  | <p>Communities</p>    | <p>30-Apr-16</p> | <p>Pending</p>       | <p>track. In any event, since it is a Design and Build Contract, there should be no claims for loss and expense from the contractor for the delay.</p> <p>(Q1 2016/17) - Planning permission has been received for the construction of a new Repairs and Maintenance Hub at Blenheim Way, North Weald, for which it will take around 18 months to procure and undertake the works. However, at the meeting of Cabinet in July 2016, it was agreed that no further work should be undertaken on the proposal until after the outcome of the Strategic Accommodation Review, due to be reported to Cabinet in October 2016.</p> <p>(Q2 2016/17) - The outcome of the Strategic Accommodation Review was not able to be reported to the October meeting of the Cabinet, and is unlikely to be reported until early 2017.</p> <p>(Q3 2016/17) As Q1 and Q2. In the meantime, the costs and implications of providing a temporary Housing Repairs Depot at North Weald Airfield is being explored as a possible short term interim option.</p>        |
| <p>4) To facilitate, by the purchase of Essex County Council's interest and subsequent disposal to the preferred developer, the St John's Road redevelopment scheme.</p> | <p>Neighbourhoods</p> | <p>31-Oct-16</p> | <p>Under Control</p> | <p>(Q1 2016/17) - The final terms of the purchase of the County Council's interest and subsequent disposal to Frontier Estates have been agreed and are to be considered by the respective Cabinet Committees in July 2016. The agreement will be in principle subject to further confirmation from the Secretary of State with regard to State Aid Regulations.</p> <p>(Q2 2016/17) - Following the receipt of the State Aid consent from the Secretary of State, the final drafting of the Legal Documentation for the District Council's purchase and subsequent sale to Frontier Estates at Essex County Council's interest in the site is nearing conclusion. Hope to practically complete by the end of October.</p> <p>(Q3 2016/17) The purchase of Essex County Council's interest in the St John's Road development site was completed in mid-December 2016. Arrangements have been made to continue with site security during the period of the development of the Planning Application by the preferred partner Frontier Estates.</p> |

|   |                |           |                 |   |
|---|----------------|-----------|-----------------|---|
| 5) Work in partnership with Moat Housing to commence the development of the Council garage site | Communities    | 30-Jun-16 | None            | (Q1 2016/17) - A comprehensive Car Parking and Affordable Housing Plan for Vere Road, which includes consideration of the future of this site, is due to be considered by the Asset Management and Economic Development Cabinet Committee on 22nd August 2016.<br><br>(Q2 2016/17) The Car Parking and Affordable Housing Plan was considered by the Cabinet Committee on 22nd August 2016. Cabinet subsequently approved the Plan, including the Cabinet Committee's recommendation that this site should not be developed for affordable housing, but to provide dedicated parking for the private residents of the Higgins development on the site of the former Sir Winston Churchill PH site. Therefore, this action is now closed |
| 6) Evaluate the submissions received for North Weald Airfield marketing exercise                | Neighbourhoods | 30-Nov-16 | Behind Schedule | (Q1 2016/17) - Submissions received in response to the expressions of interest have been assessed by the Asset Management Cabinet Committee. Specification for procurement of an operational partner under OEJU regulations has commenced.<br><br>(Q2 2016/17) - Changes in European Procurement Legislation have meant that the original intention of a concessionary contract can no longer be pursued, and an OEJU "Competitive Dialogue" procedure is planned to commence in early 2017, once the officer capacity is realised by the final award of the Leisure Management Contract in December 2016.<br><br>(Q3 2016/17) as per Q2.   |
| 7) Progress the Epping Forest Shopping Park Scheme  | Neighbourhoods | 31-Oct-16 | Under Control   | (Q1 2016/17) - Tenders have been received for the construction of the main Shopping Park, which further to final evaluation, will be recommended for approval at the Council's July Cabinet. Delays have been experienced with reaching agreement with Essex County Council on the final specifications and working methodology for the Highways Works. Whilst marketing is proceeding well, the Shopping Park is now not likely to open until Summer 2017.<br><br>(Q2 2016/17) - The main construction contractor McLaughlin and Harvey took possession of the site in mid-September. Good mobilisation and clearance works have been achieved. 41 week construction programme on target. Highways                                     |

|   |             |           |               |   |
|---|-------------|-----------|---------------|---|
| 8) Commence Phase 3 of the Council Housebuilding Programme to provide up to 35 new affordable rented homes in Epping          | Communities | 30-Jun-16 | Under Control | <p>Contractor has commenced S278 works. Some delays in relation to the need to locate new attenuation tanks. Shopping Park still on target to open in August 2017.</p> <p>(Q3 2016/2017) Main contractor ahead of programme, with steelwork erected before Christmas and work commenced on cladding. Main car park base coated and work on retaining wall to the rear of service yard largely complete. Delays still being experienced on S278 works. Ongoing dialogue with ECC to address.</p> <p>(Q1 2016/17) - Tenders are due to be invited from contractors for a number of small construction contracts comprising Phase 3 in early August 2016.</p> <p>(Q2 2016/17) Tenders have been invited on a phased basis for the 7 separate contracts comprising Phase 3 , with three tenders returned to date. The tenders will be reported to the Council Housebuilding Cabinet Committee for approval.</p> <p>(Q3 2016/17) Tenders for all but one sites were agreed by the Council Housebuilding Cabinet Committee in December 2016. Contract documentation for the 6 sites are being progressed and Start-up meetings with the contractors arranged. Works are due to commence in February/March 2017.</p> |
| 9) Secure planning Phase 4 of the Council Housebuilding Programme to provide up to 50 new affordable rented homes in Loughton | Communities | 31-May-16 | Pending       | <p>(Q1 2016/17) - A number of developments comprising Phase 4 have received planning permission, but a number have also been refused. The Council Housebuilding Cabinet Committee will consider the proposed approach to the delivery of Phase 4 once all planning applications have been determined.</p> <p>(Q2 2016/17) - 10 planning applications have been approved; 2 applications were withdrawn following further discussions with planning officers; 2 applications were refused planning permission by the Area Plans Sub-Committee and 1 application (Vere Road, Loughton) was being held in abeyance pending the formulation of a Car Parking and Affordable Housing Plan, but is now being progressed following the adoption of a Plan.</p> <p>(Q3 2016/27) 11 sites within the proposed Phase 4 have now received planning permission; 4 sites have been refused planning permission. However, Phase 4 has not been progressed any further due to the Moratorium placed on the Council</p>   |

10) Subject to the receipt of planning permission, secure the provision of the affordable rented homes at the Council-owned site at Pyrles Lane, Loughton

Communities

30-Jun-16

Pending

Housebuilding Programme by the Cabinet.

(Q1 2016/17) - A report will be submitted to Cabinet shortly on the proposed marketing strategy for the sale of the Pyrles Lane nursery site, which will consider the Council Housebuilding Cabinet Committee's recommendation that the completed affordable homes be purchased by the Council.

(Q2 2016/17) - The Director of Neighbourhoods intends to report on the Marketing Strategy to the November Cabinet meeting.

(Q3 2016/17) The Director of Neighbourhoods intended to report on the Marketing Strategy to the February Cabinet meeting. However, Management Board has determined that this should be held in abeyance until the Stage 1 Further HRA Financial Options Review has been completed and decisions made on the future of the Council's Housebuilding Programme.

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

| Action   | Lead Directorates | Target Date | Status   | Progress  |
|--|-------------------|-------------|----------|---|
| 1) Liaise with the Communities Directorate on Housing related / led projects is constructive and productive to retain Building Control project work in-house | Governance        | 30-Apr-16   | Achieved | (Q1 2016/17) - We continue to enjoy a constructive and responsive relationship between directorates and building income continues to exceed budget.<br>(Q2 2016/17) - As above.<br>(Q3 2016/17) - As above. |
| 2) Include a clause as standard in new commercial leases, to require the use of  | Neighbourhoods    | 30-Apr-16   | Achieved | (Q1 2016/17) - Clause being prepared for inclusion in new commercial leases.<br>(Q2 2016/2017) - Clause completed. Evidence of commissions being achieved.  |

the Building Control service

(Q3 2016/2017) As above Q2.

3) Estates colleagues to include use of the in-house building control service in their standard negotiations

Governance

30-Apr-16

Under Control

(Q1 2016/17) - The directorates continue to liaise to embed the inclusion of the in house service in negotiations.

(Q2 2016/17) – Progress has been made but we need to continue to embed this process.

(Q3 2016/17) - Building control are continuing to hold constructive dialog with estates officers.

4) Include as standard in the specification for new contracts to upgrade Council facilities, a requirement to use the in-house Building Control service.

Neighbourhoods Resources

30-Apr-16

Under Control

(Q1 2016/17) - The contract for the construction of the new Leisure Centre at Waltham Abbey and any other refurbishments will reflect the requirement to use the in-house Building Control Service.

(Q2 2016/17) - As (i)(c) previous.

(Q3 2016/2017) As above in Q2.

5) For major development projects in which the Council has a sole or significant interest, ensure building regulations work is carried out by the in-house team

Neighbourhoods

30-Apr-16

Achieved

(Q1 2016/17) - Opportunities are being offered to undertake the work.

(Q2 2016/17) - The in-house building control team are undertaking the work in relation to the Epping Forest Shopping Park and will be recommended for the potential new Leisure Centre in Waltham Abbey.

Q3 (12016/2017) As above in Q2.

6) Identify and undertake measures to raise the profile and successes of the in-house building control team.

Governance

30-Apr-16

Under Control

(Q1 2016/17) - The Staples Road Junior School in Loughton was shortlisted for the Local Authority Building Control awards held in Cambridge and the team continues to promote partnership working resulting in healthy income levels.

(Q2 2016/17) - We are continuing to train our own officers to ensure the quality of the service which we have to market.

|  |            |           |                 |  |  |
|--|------------|-----------|-----------------|--|--|
|  |            |           |                 |  | (Q3 2016/17) - National recognition for both building control trainees and increased income demonstrate the commitment to and of the in house building control team.   |
| 7) Participate in the renegotiations of the contracts for the provision of on-line library services  | Governance | 31-Mar-17 | Achieved        |  | (Q1 2016/17) - As part of PLP the legal service continues to benefit from reduced online library services in a form of savings.<br>(Q2 2016/17) – as above.<br>(Q3 2016/17) - as above.  |
| 8) Explore the possible expansion of the insurance service provided to Uttlesford. District Council. | Resources  | 30-Sep-16 | Achieved        |  | (Q1 2016/17) - The possibility of expanding the insurance service has been explored with both Uttlesford and other Essex districts but unfortunately all those contacted are not interested in changing their arrangements at this time.<br>(Q2 & Q3 2016/17) As per Q1.   |
| 9) Implement an integrated HR/Payroll IT system jointly with at least one other authority.           | Resources  | 31-Mar-17 | On Target       |  | (Q1 2016/17) - Implementation underway with Braintree & Colchester councils, with these sites going live first. The target for Epping to go live with the new system is December 2016.<br>(Q2 2016/17) - The implementation is proceeding in line with the timetable and the system is still expected to go live in December 2016.<br>(Q3 2016/17) Payroll for December produced successfully on the new system. Work continues to fully implement the system and make features like self-service available. |
| 10) Evaluate possibility of shared service as part of Debt Working Party.                            | Resources  | 30-Sep-16 | Behind Schedule |  | (Q1 2016/17) - The Working Party continues to meet and reports back to Management Board on potential improvements and alterations to the processes of debt recovery.<br>(Q2 & Q3 2016/17) As per Q1  |

|  |                  |           |  |                 |  |
|--|------------------|-----------|--|-----------------|--|
| 11) Provide HR/payroll services to at least one other authority  | Resources        | 31-Mar-17 |  | Pending         | <p>(Q1 2016/17) - The primary focus is currently the implementation of the new system - see item 9 above.</p> <p>(Q2 &amp; Q3 2016/17) As per Q1 - the system needs to be in place before we can offer it to others.</p>   |
| 12) Evaluate possibility of shared service as part of Scanning Working Party                               | Resources        | 30-Sep-16 |  | Behind Schedule | <p>(Q1 2016/17) - The Working Party has been established with a project charter and meetings have taken place as part of the discovery phase.</p> <p>(Q2 2016/17) - The discovery phase is continuing and changes have already been made to make several processes more efficient.</p> <p>(Q3 2016/17) As for Q2 above, although progress has been slower than had been anticipated.</p> |
| 13) Identify additional Council services that may benefit from a shared provision with other organisations | Management Board | 31-Mar-17 |  | On Target       | <p>(Q1 2016/17) - Good progress made with audit. Opportunities being discussed with West Essex Chief Executives.</p> <p>(Q2 2016/17) - Good progress made with audit. Opportunities being discussed with West Essex Chief Executives.</p> <p>(Q3 2016/17) - Workshop on joint working with Essex County Council scheduled for Leadership Team in February 2017.</p>                      |

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

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

| Action  | Lead Directorates | Target Date | Status        | Progress   |
|---|-------------------|-------------|---------------|--|
| 1) Update the Council's Housing Strategy, following production of the Preferred Options for the Local Plan.       | Communities       | 31-Dec-16   | Under Control | (Q1 2016/17) - It has previously been agreed that work on updating the Council's Housing Strategy should not commence until the Draft Local Plan Preferred Approach has been published, which is currently expected to take place in October 2016, since the Housing Strategy is so dependent on the Local Plan proposals.   |
|   |                   |             |               | (Q2 2016/17) - On the assumption that consultation on the Draft Local Plan will commence on 31st October 2016, the Director of Communities is currently setting up an officer Project Team to formulate a draft Housing Strategy.  |
|   |                   |             |               | (Q3 2016/17) The officer Project Team is in the process of drafting the new Housing Strategy. It is planned to present a Consultation Draft of the Housing Strategy to the Communities Select Committee in March 2017, prior to undertaking a consultation exercise on the Draft Strategy. Following consultation, the final version will be submitted to Cabinet for consideration and recommendation to Full Council in Summer 2017. |
| 2) To undertake Phase II of a comprehensive Green Belt Review as a key component of the local Plan evidence base. | Neighbourhoods    | 31-Jan-16   | Achieved      | (Q1 2016/17) - Phase II of the Green Belt Review has been completed and now forms part of the evidence base in undertaking individual site assessment work.  |
|   |                   |             |               | (Q2 2016/17) - Draft Plan agreed for consultation to include Green Belt Assessment.  |
|   |                   |             |               | (Q3 2016/17) As above fully achieved.  |
| 3) Agree a Draft Local Plan and undertake the appropriate sustainability appraisal.                               | Neighbourhoods    | 31-May-16   | Under Control | (Q1 2016/17) - New Local Plan Development Scheme due to consideration at the July Cabinet Committee. Sustainability appraisals underway.   |
|   |                   |             |               | (Q2 2016/17) - Cabinet to consider draft Plan in October. Consultation period to run from the 31 October to the 12 December 2016. LDS timeframes still being achieved.   |

|   |                                 |  |  |
|---|---------------------------------|--|--|
| <p>4) Undertake all necessary consultations and negotiations under the Duty to Co-operate with Neighbouring Authorities</p> | <p>Neighbourhoods 31-Mar-17</p> |  | <p>(Q3 2016/17) Consultation successfully completed. Approximately 3500 responses received. Evaluation commenced with report on headline findings to be considered by Cabinet in March. Further work on additional site assessment commissioned.</p> <p>(Q1 2016/17) - The work of the Co-operation for Sustainable Development Board is ongoing fulfilling the requirements of the Duty to Co-operation. Currently chaired by EFDC but due to transfer to East Herts in June. Intention is for the four authorities within the Strategic Housing Market Area to consult simultaneously in the Autumn.</p> <p>On Target (Q2 2016/2017) - Work of the Duty to Co-operate Board ongoing. Two of three Memorandum of Understandings nearing signature. Uttlesford and Harlow consultation timescales have slipped by 2-3 months.</p> <p>(Q3 2016/2017) Uttlesford and Harlow failed to meet consultation deadline. Joint Garden Bid successful with £500,000 awarded by DCLG.</p> <p>(Q1 2016/17) - Final Local Plan Document in accordance with the revised Local Development Scheme due to be submitted for Examination in Public in November/December 2017.</p> <p>Behind Schedule (Q2 2016/2017) - As above.</p> <p>(Q3 2016/2017) Cabinet and Council agreed consultation plan in October. Local Development Scheme due to be reviewed in July 2017. Series of Member Workshops planned to consider Regulation 19 Draft in next 6 months. Publication of pre-submission draft in October 2017.</p> |
| <p>5) Submit the Final Local Plan to the Planning Inspectorate for Examination.</p>   | <p>Neighbourhoods 31-Mar-17</p> |  |  |

Key Objective (ii)(b) To increase opportunities for sustainable economic development within the District, in order to increase local employment opportunities for residents.

| Action  | Lead Directorates | Target Date | Status        | Progress  |
|---|-------------------|-------------|---------------|---|
| 1) Continue with the Council's apprenticeship scheme for the district's young people, providing sustainable employment opportunities. | Resources         | 30-Sep-16   | Under Control | <p>(Q1 2016/17) - The cohort recruited in 2015 continues to make good progress with their apprenticeships. A full intake will occur again in 2017. For 2016 the focus is on the recruitment of a new graduate trainee.</p> <p>(Q2 2016/17) - Despite several attempts we were unable to recruit a new graduate trainee. The current apprentices continue to make good progress and preparations are underway to expand the programme to meet the requirements of the Apprenticeship Levy from April 2017.</p> <p>(Q3 2016/17) - All but one of the current apprentices have now found jobs. Plans now in place to meet the requirements of the Apprenticeship Levy and to manage the larger intake of apprentices in 2017/18.</p> |

Key Objective (ii)(c) To deliver the Council’s new Leisure and Cultural Strategy, in order to maximise participation and value for money in the provision of leisure and cultural services to local residents and visitors.

| Action  | Lead Directorates          | Target Date | Status   | Progress   |
|---|----------------------------|-------------|----------|--|
| 1) Undertake a Master-planning exercise for the provision of a proposed new swimming pool, new health centre and an independent living scheme | Communities Neighbourhoods | 31-May-16   | Achieved | <p>(Q1 2016/17) - The Master Plan has been produced, published and formally endorsed by the Cabinet.</p> <p>(Q2 2016/17) - An Outline Planning Application has been submitted and is due to be determined by the District Development Management Committee in November 2016. Proposals have been received from the 3 Final Tenderers from the Leisure Management Contract.</p> <p>(Q3 2016/17) Outline Planning Permission was granted in November 2016, subject to a Section 106 Agreement being signed, which is under negotiation. In December 2016, Cabinet selected the Preferred Tenderer for the Leisure Management Contract i.e. Places for People who are working towards the submission of full planning application in late March 2017.</p> |

|   |                                   |                  |                      |  |
|---|-----------------------------------|------------------|----------------------|--|
| <p>2) Undertake a public consultation exercise on the Draft Masterplan for Hillhouse, Waltham Abbey.</p>  | <p>Communities Neighbourhoods</p> | <p>31-Mar-16</p> | <p>Achieved</p>      | <p>(Q1 2016/17) - The master-planning exercise (see 1 above) included consultation with all key stakeholders and the holding of a Community Planning Weekend, to which all residents, local businesses and other interested parties were invited. Feedback received from this consultation process informed the final Master Plan.</p> <p>(Q2 2016/17) - The feedback informed both the Master Plan and the subsequent Outline Planning Application due to be considered in November 2016.</p> <p>(Q3 2016/17) Outline Planning permission granted. Section 106 Agreement to be entered into to compensate for loss of playing pitches at Hillhouse.</p> |
| <p>3) Jointly pursue the provision of a new Secondary School on the Ongar Campus site</p>   | <p>Neighbourhoods</p>             | <p>30-Apr-16</p> | <p>Achieved</p>      | <p>(Q1 2016/17) - Completed.</p> <p>(Q2 2016/17) - As above.</p> <p>(Q3 2016/2017) As above.</p>   |
| <p>4) As part of the competitive dialogue procurement process for the new Leisure Management Contract, take forward the provision of a replacement swimming pool in Waltham Abbey</p> | <p>Neighbourhoods</p>             | <p>30-Sep-16</p> | <p>Achieved</p>      | <p>(Q1 2016/17) - Completed.</p> <p>(Q2 2016/17) As above.</p> <p>(Q3 2016/2017) Places for People appointed as successful contractor and scheme agreed to build new Leisure Centre at Hillhouse.</p>  |
| <p>5) Subject to the receipt of funding from Arts Council England, investigate the possible establishment of a Museum Heritage and Culture Development Trust</p>                      | <p>Communities</p>                | <p>30-Jun-16</p> | <p>Under Control</p> | <p>(Q1 2016/17) - The outcome of the bid for funding from Arts Council England is awaited.</p> <p>(Q2 2016/17) - The bid was successful and £270,000 funding has been awarded jointly to EFDC, Chelmsford CC and Broxbourne BC. The funding will be used to appoint a Commercial Manager for 18 months (to develop new income streams across Epping Forest, Broxbourne and Chelmsford Museums) and a Fundraising Manager to establish a Development Trust for Epping Forest District and Lowewood Museums, and a separate Trust for Chelmsford Museum. The Trusts</p>  |



will operate as Charities, based on companies limited by guarantee and will work in parallel to the Council's operation of the Museums, in order to raise funds and access funding pots which the Councils are unable to access.

(Q3 2016/17) Recruitment to the new posts is being undertaken.

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

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

| Action  | Lead Directorates | Target Date | Status    | Progress  |
|---|-------------------|-------------|-----------|---|
| 1) Review the success of the increased opening hours and the increased delivery of Council services at the Council Office at the Limes Centre | Communities       | 31-Mar-17   | On Target | (Q1 2016/17) - The increased opening hours have been introduced, with the provision of increased Council services from the Council Office. A formal review of the success of this initiative is planned to be undertaken by the Communities Select Committee after 12 months' operation - in 2017<br>(Q2 2016/17) - As Q1.<br>(Q3 2016/17) As Q1  |
| 2) Implement and/or produce an Implementation Plan for, the agreed proposals for improving customer contact.                                  | Management Board  | 31-Mar-17   | On Target | (Q1 2016/17) - The customer contact project team continues to make good progress. A Head of Customer Service is due to be appointed shortly.<br>(Q2 2016/17) - Head of Customer Services has been appointed and is due to start on 2 November. Implementation plan produced and implementation continues. A portfolio Holder decision on purchase of CMS software has been taken and now being actioned to allow prototyping work to be undertaken through to March 2017. A draft specification for the reception work has been agreed with Facilities which now moves to initial design stage. A further period of monitoring of visitor patterns was undertaken in September. A Channel |



shift/process mapping day will take place in early November. New ICT analyst position now filled and started working on our online forms to transition them to the new CMS.

(Q3 2016/17) Complaints handling revised to two stage process. Process mapping undertaken. Prototyping of new CRM scoped.

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

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| Action  | Lead Directorates | Target Date | Status    | Progress   |
|---|-------------------|-------------|-----------|--|
| 1) Achieve significant progress in the scanning of paper and microfiche Development Control files         | Governance        | 31-Mar-17   | On Target | <p>(Q1 2016/17) - The dedicated team continues to scan Planning files with a view to supporting flexible and remote working and reducing space requirements.</p> <p>(Q2 2016/17) – The team is up to speed and we continue to scan the files to support flexible working.</p> <p>(Q3 2016/17) - Cabinet has agreed continued funding for a three year scanning project based on a full report of progress to date.</p> |
| 2) Scan Building Control paper and microfiche files to promote flexible working and reduce storage costs. | Governance        | 31-Mar-17   | On Target | <p>(Q1 2016/17) - The dedicated team continues to scan building control with a view to supporting flexible and remote working and reducing space requirements.</p> <p>(Q2 2016/17) – as above.</p> <p>(Q3 2016/17) - Cabinet has agreed continued funding for a three year scanning project based on a full report of progress to date.</p>  |
| 3) Undertake document   | Governance        | 31-Mar-17   | On Target | <p>(Q1 2016/17) - We continue to scan legal documents and we are embarking on</p>  |

scanning projects in Legal Services and Development management to support the Transformation Programme.

a program of creating electronic files for certain categories of legal work. Approximately 20% of the 2383 Council Deeds have been scanned and uploaded onto the Council's mapping system. Additionally a spreadsheet has been developed to organise approximately 6000 miscellaneous documents in preparation for scanning.

(Q2 2016/17) - We had a slight delay with the scanning as a result of a member of staff leaving and recruitment of a replacement. The new officer is in the progress of being trained.

(Q3 2016/17) - Good progress is being made following the appointment to a temporary scanning post within legal.

(Q1 2016/17) - Implementation continues and is on target. An update report was presented to the Resources Select Committee in April.

4) Continue the implementation of the Council's ICT Strategy, with the completion of the following key projects

Resources

31-Mar-17

On Target

(Q2 2016/17) - Good progress continues to be made and the capital bid for 2017/18 will be presented to Cabinet on 12 October.

(Q3 2016/17) Cabinet approved the capital bid for 2017/18 which will now be subject to approval as part of the budget process. Implementation of projects is in line with targets.

(Q1 2016/17) - On hold pending the accommodation review and is awaiting works to fully decommission.

5) Free up computer suite 1 for re-use as office accommodation.

Resources

31-Mar-17

On Target

(Q2 2016/17) - The computer suite is free for alternative uses but will not be allocated or refurbished until the accommodation review has been completed.

(Q2 & Q3 2016/17) The computer suite is free for alternative uses but will not be allocated or refurbished until the accommodation review has been completed

Key Objective (iii)(c) To ensure that the Council understands the effects of an ageing population within the District and works with other agencies to make appropriate plans and arrangements to respond to these effects.

| Action   | Lead Directorate | Target Date | Status   | Progress   |
|--|------------------|-------------|----------|--|
| 1) Complete the multi-service study to identify and better understand the demographics of an ageing population in the District | Communities      | 30-Sep-16   | Achieved | (Q1 2016/17) - The study has been completed and the Study Report has been drafted. In the first instance, the Draft Study Report will be considered by the Council's Management Board, following which it will be submitted to the Overview and Scrutiny Committee for consideration and discussion.   |
|  |                  |             |          | (Q2 2016/17) - The Study has been completed. The findings will be reported to a Briefing Session for all members immediately before the Council meeting on 1st November 2016.  |
|  |                  |             |          | (Q3 2016/17) - The Briefing Session for members was held on 1st November 2016.   |
| 2) Commence the implementation of the action plan formulated as a result of the multi-service study                            | Communities      | 30-Sep-16   | Achieved | (Q1 2016/17) -This will be implemented following consideration of the Study Report by the Overview and Scrutiny Committee, as referred to in (1) above.  |
|  |                  |             |          | (Q2 2016/17) - Now that the Study has been completed, the resultant Action Plan is currently being formulated.   |
|  |                  |             |          | (Q3 2016/17) - The Action Plan has been produced and is starting to be implemented. 6-Month Progress Reports on the Action Plan will be reported to the Communities Select Committee, with the first report in June 2017.  |
| 3) Review the delivery of housing support at the Council's sheltered housing schemes in the District.                          | Communities      | 31-Jan-17   | Pending  | (Q1 2016/17) - Initial ideas have been formulated on how housing support could be delivered at the Council's sheltered housing schemes in the future. However, this project is being held in abeyance, pending consideration by the Communities Select Committee and the Cabinet on the options for the future delivery of the Council's Careline Service. |
|  |                  |             |          | (Q2 2016/17) - As Q1.  |

4) Review the Council's sheltered housing stock assets, with a view to rationalisation and modernisation through a strategic approach.

Communities

30-Jun-16

Pending

(Q3 2016/17) - This project continues to be held in abeyance, since the current focus of attention is on the preparations for the implementation of the decisions to be made by the Cabinet in February 2017 on the recommendations of the Communities Select Committee - which is to outsource the Careline Monitoring Service.

(Q1 2016/17) - A number of proposals have been formulated by a project team led by the Director of Communities. It is intended that an initial report on the approach to the review will be submitted to the Communities Select Committee in November 2016 for consideration.

(Q2 2016/17) - As Q2 - but the report may be held over to the January 2017 meeting of the Select Committee, due to officer workload and the number of reports already due to be considered at the November meeting.

(Q3 2016/17) This project is being held in abeyance until the future of the Council Housebuilding Programme has been determined through Stage 1 of the further HRA Financial Options Review.

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## **Report to the Cabinet**

**Report reference: C-069-2016/17**

**Date of meeting: 9 March 2017**



**Epping Forest  
District Council**

**Portfolio: Governance and Development Management  
Finance**

**Subject: Planning Application Fees**

**Responsible Officer: Colleen O'Boyle (01992 564475)  
Bob Palmer (01992 564279)**

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

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### **Recommendations:**

- (1) That the Cabinet accepts the offer from the Department for Communities and Local Government (DCLG) to increase planning application fees by 20% from July 2017;**
- (2) That the Cabinet commits to spending the additional income on planning functions;**
- (3) That the Director of Resources be authorised to complete the proforma required by the DCLG to accept the offer; and**
- (4) That a request be made to the Chairman of Council to waive the usual call-in arrangements for the Cabinet's decisions on the grounds that, since the Cabinet's decisions would need to be actioned by 13 March 2017, it would leave insufficient time for any call-in of the decision to be considered by the Overview and Scrutiny Committee and any subsequent disagreement with the decision by the Committee to be considered by the Cabinet.**

### **Executive Summary**

On 7 February the Department for Communities and Local Government (DCLG) published the white paper "Fixing our broken housing market". The paper set out a need to boost local authority capacity and capability to deliver. To address this DCLG stated that they would increase nationally set planning fees.

An offer has been received from DCLG and Councils are required to respond to this by 13 March 2017. Acceptance of the offer would allow the Council to benefit from a 20% increase in planning application fees from July 2017. However, DCLG require a commitment that the additional income will be spent on planning functions.

### **Reasons for Proposed Decision**

To allow the Council to benefit from an increase in planning application fees, this will be used to enhance the service provided by Development Control.

The Development Control service is not cost neutral so there is an argument that the users of the service should be paying more already. Currently the service is being part funded by all Council Tax payers even though the majority of them do not use the service.

**Other Options for Action:**

The other option is to reject the increase in planning application fees. This is not recommended as it would mean either that no enhancements could be made to the Development Control Service or that any enhancements would need to be funded from savings in other areas which may be of more general benefit to Council Tax payers. This would not allow the service to address the anticipated increase in workload as the Local Plan emerges.

**Report:**

1. The housing white paper repeats the claim from developers that the lack of capacity and capability in planning departments is restricting their ability to get on site and build. To boost local authority capacity and capability to deliver, DCLG has offered to increase nationally set planning fees by 20% from July 2017. The stated intention here is to improve the speed and quality with which planning applications are handled while deterring unnecessary appeals.
2. Local authorities can choose to accept or reject the proposed 20% increase in planning application fees. If an authority wishes to accept the increase they must commit to spending the additional income on planning functions.
3. The offer was made in a letter sent by DCLG on 21 February 2017, see Annex 1. This letter requires a response by 13 March 2017 and the response must be signed by the Section 151 Officer (the Director of Resources).
4. There are already considerable pressures on the Development Management Service and these are likely to increase as the Local Plan progresses. By accepting the increase in fees and using the additional money to enhance the service the Council will be providing a better service at no additional cost to Council Tax payers.

**Resource Implications:**

The table below sets out the current budget for the Development Management Service.

|              | Revised Estimates 2016/17<br>£ | Original Estimates 2017/18<br>£ |
|--------------|--------------------------------|---------------------------------|
| Total Costs  | 1,499,470                      | 1,486,180                       |
| Total Income | (1,104,000)                    | (1,077,860)                     |
| Net Costs    | 395,470                        | 408,320                         |

The service is anticipated to have a net cost to the Council of approximately £400,000 in both 2016/17 and 2017/18. If fees were to be increased from July 2017 this would be likely to generate additional income in 2017/18 of £150,000. As this income would have to be spent on planning functions there would not be any reduction in the net cost of the service but an enhanced service could be provided.

**Legal and Governance Implications:**

Planning fees are set nationally in accordance with the Town & Country Planning Act 1990 (as amended) and by various Regulations made thereunder.

A waiver of the normal call-in arrangements is being requested as this meeting is being held on 9 March and a response must be made to DCLG by 13 March. Clearly within this timeframe it is not possible to accommodate the call-in procedure.

**Safer, Cleaner and Greener Implications**

None.

**Consultation Undertaken**

None.

**Background Papers:**

Housing white paper "Fixing our broken housing market"

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590463/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_accessible\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590463/Fixing_our_broken_housing_market_-_accessible_version.pdf)

**Risk Management:**

The main risk is reputational. If the Council decides not to accept the fee increase and the Development Management Service is subsequently criticised, Members could be criticised for not having taken an opportunity to enhance the service.

**Equality Analysis**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided below.

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# Equality analysis report

Use this report template to record your equality analysis. This report is a written record that demonstrates that you have shown *due regard* to the need to **eliminate unlawful discrimination, advance equality of opportunity and foster good relations** with respect to the personal characteristics protected by equality law. Due regard must be paid at formative stages of policy or service development, changes, or withdrawal.

To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:

- Factsheet 1: Equality Profile of the Epping Forest District
- Factsheet 2: Sources of information about equality protected characteristics
- Factsheet 3: Glossary of equality related terms
- Factsheet 4: Common misunderstandings about the Equality Duty
- Factsheet 5: Frequently asked questions
- Factsheet 6: Reporting equality analysis to a committee or other decision making body

If you require further help, please contact the Performance Improvement Unit.

## Step1. About the policy, service change or withdrawal

|  |  |
|--|--|
| Name of the policy, service or project: <i>be specific</i> | Introduction of 20% increase for planning fees to be applied to resource that service  |
| Revised / new / withdrawal:                                |  |
| Intended aims / outcomes/ changes:                         | To address the increased complexity and volume of work while speeding up the process of determining planning applications                              |
| Relationship with other policies / projects:               | This is related to the introduction of the District wide Local plan which as it progresses will generate increased workloads in Development Management |
| Name of senior manager for the policy / project:           | Nigel Richardson   |
| Name of policy / project manager:                          | Nigel Richardson   |

## Step 2. Decide if the policy, service change or withdrawal is equality relevant

|  |   |
|--|---|
| <p>Does the policy / project / service process involve, or have consequences for employees or other people? If yes, please state who will be affected. If yes, then the policy / project is equality relevant.</p> <p>If no, state your reasons for this decision. Go to step 7.</p> <p><i>The majority of Council policies and projects are equality relevant because they affect employees or our communities in some way.</i></p> | <p>If yes, state which protected groups:</p> <p>Yes. It will impact employees and potential employees who will be recruited through equality compliant processes.</p> <p>If it succeeds in streamlining the planning application process it may impact on those seeking to build, provision of homes and employment for people.</p> |
|--|---|

|  |   |
|--|---|
|  | If no, state reasons for your decision: |
|--|---|

Considering the EFDC recruitment processes

The employment of planning officers and planning support staff will be open to all suitably qualified applicants. Recruitment will ensure that the opportunities are advertised appropriately and equivalent experience and qualifications are also acceptable.

Considering those on lower income

The price increase may impact more heavily on individuals or families with low income. However they are almost without exception home owners in order to be making the application and if granted there is likely to be an increase in the asset's value.

As a proportion of costs associated with gaining and implementing a planning permission the increase is not significant.

Considering the complexity of the Policy for those for whom English is not a first language.

This policy will not have a negative impact as it relates to a fee increase only.

**Promotion of equality**

To achieve this clear communication of the fee increase should it be agreed, will be undertaken prior to the July implementation date.

The website information will be updated so that those who prefer, through lack of mobility or otherwise, to access the application process electronically are fully informed.

**The duty to foster good relations**

The policy does not impact this aspect

**Step 7. Documentation and Authorisation**

| Summary of actions to be taken as a result of this analysis (add additional rows as required): | Name and job title of responsible officer | How and when progress against this action will be reported |
|--|---|--|
| 1. If increase agreed , publicise widely   | Nigel Richardson                          | At monthly 1-1 with Director                               |
| 2. Recruitment to new posts  | Nigel Richardson                          | At monthly 1-1 with Director                               |
| 3.   |   |  |

|   |                 |
|---|-----------------|
| Name and job title of officer completing this analysis: | Colleen O'Boyle |
|---|-----------------|

|  |  |
|--|--|
| Date of completion:  | 23/02/17                                 |
| Name & job title of responsible officer:<br>(If you have any doubts about the completeness or sufficiency of this equality analysis, advice and support are available from the Performance Improvement Unit) | Nigel Richardson<br>AD ( Dev Management) |
| Date of authorisation:   | 23/02/17                                 |
| Date signed copy and electronic copy forwarded to PIU <a href="mailto:equality@eppingforestdc.gov.uk">equality@eppingforestdc.gov.uk</a>   |  |

### **Step 8. Report your equality analysis to decision makers:**

Your findings from this analysis (and any previous analysis) must be made available to a decision making body when it is considering the relevant service or policy.

Therefore you must:

- reflect the findings from this analysis in a 'Due Regard Record' (template available), and attach it as an appendix to your report. The Record can be updated as your policy or service changes develop, and it exists as a log of evidence of due regard;
- Include this equality information in your verbal report to agenda planning groups or directly to portfolio holders and other decision making groups.

### **Your summary of equality analysis must include the following information:**

- if this policy, service change or withdrawal is relevant to equality, and if not, why not;
- the evidence base (information / data / research / feedback / consultation) you used to help you understand the impact of what you are doing or are proposing to do on people with protected characteristics;
- what the evidence base (information / data / research / feedback / consultation) told you about people with protected characteristics;
- what you found when you used that evidence base to assess the impact on people with the protected characteristics;
- whether or not your policy or service changes could help to advance quality of opportunity for people with any of the protected characteristics;
- whether or not your policy or service changes could help to foster good relations between communities.

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Department for  
Communities and  
Local Government

Simon Gallagher  
Director of Planning

Department for Communities and Local  
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[www.communities.gov.uk](http://www.communities.gov.uk)

Chief Executives of Local Planning  
Authorities in England  
[Via Email]

21 February 2017

Dear Chief Executive,

### Planning application fees: the Government's offer

*'Fixing our broken housing market'* was published on 7 February 2017. It includes proposals for boosting local authority capacity and capability to deliver, improving the speed and quality with which planning cases are handled, while deterring unnecessary appeals.

As set out paragraph 2.13 of the White Paper, developers consistently tell us that the lack of capacity and capability in planning departments is restricting their ability to get on site and build. Alongside funding, local authorities also report difficulties in recruiting and retaining planners and others with specialist skills. There may also be wider capacity and skills issues for local authorities. To boost local authority capacity and capability to deliver, paragraph 2.15 explained that the Government will **increase nationally set planning fees**. Local authorities will be able to increase fees from 20% from July 2017 if they commit to invest the additional fee income in their planning department.

This letter invites you confirm your intention in relation to the fee increase. It is intended that the additional revenue should be retained by planning departments and that existing baseline and income assumptions will not be adjusted down as a result during this Parliament. This is an opportunity for all authorities to make improvements to their resourcing, leading to better services, improved performance, and greater capacity to deliver growth as set out in *'Fixing our broken housing market'*.

*'Fixing our broken housing market'* proposes a further increase of 20% for those authorities who are delivering the homes their communities need. This would also be on the understanding that the additional fee income generated will be invested exclusively in planning services. We will consult further on the detail of this proposal and the timing on it being brought forward.

For your authority to benefit from the higher planning application fees, we require your section 151 officers, under s230 of the Local Government Act 1972, to provide a commitment and submit information of the 2017/18 budget that demonstrates the additional fee income being spent on planning services. Annex A sets out details the information required.

Should your authority not wish to charge the increased fee, the existing fee structure will remain in place. Where authorities do accept, but do not comply with the assurances it has

provided, the Secretary of State will consider reducing the fee level for that authority back to the original fee level through a change in regulations.

Annex B includes a template for section 151 officers to sign and return. Replies should be sent to [planningresources2@communities.gsi.gov.uk](mailto:planningresources2@communities.gsi.gov.uk) by Monday 13<sup>th</sup> March. It is important that a response is received from all local authorities; indicating whether or not the increased fee offer is to be accepted. You are also asked to confirm the correct legal name of your authority at Annex C, and return this with the template in Annex B. This will be used in the statutory instrument bringing forward the fee increase.

**I would be grateful if you could forward a copy of this letter to s151 officers and the officer with lead responsibility for planning services within your authority.**

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'S.J. Gallagher', written over a faint circular stamp.

Simon Gallagher

## **Annex A: Information section 151 officers should commit to providing**

Alongside the condition to spend the additional income generated on planning, we are asking section 151 officers to provide DCLG with certain information to demonstrate that the additional funding is being spent on development management.

We therefore ask that authorities submit the following information, on the basis that your budget has been set, and on the assumption that regulations are in place by July 2017.

- Estimate of final income from planning application fees in 2016/17.
  - Estimate of final expenditure on planning/development management in 2016/17.
  - Estimated income from planning application fees in 2017/18.
  - Estimated additional income generated from higher fees.
  - Estimated expenditure on planning/development management in 2017/18.

The letter in Annex B includes a table in which to provide this information.

**Annex B: Template letter for s151 officers to sign**

Dear Simon Gallagher,

In reply to your letter of 21<sup>st</sup> February 2017 I am writing to certify that **[Insert name of authority]** has determined to:

Accept the proposed 20% increase in planning application fees.....

Reject the proposed 20% increase in planning application fees.....

If accepting:

I confirm that the amount raised through these higher fees will be spent entirely on planning functions.

I can also confirm that the full legal name for this authority to be used in regulations is

.....

Please also confirm this legal name in the table in Annex C, and return to [planningresources2@communities.gsi.gov.uk](mailto:planningresources2@communities.gsi.gov.uk) with this letter.

I submit the following information, as requested.

|   | 2016/17 | 2017/18 |
|---|---------|---------|
| Estimated expenditure on development management                 |         |         |
| Estimated income generated from planning application fees       |         |         |
| Estimated additional income generated from higher planning fees | N/A     |         |

Yours sincerely

**[S151 officer]**