



***CABINET***  
***Thursday, 3rd December, 2020***

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

**Virtual Meeting on Zoom**  
on **Thursday, 3rd December, 2020**  
at **7.00 pm** .

**G. Blakemore**  
Chief Executive

**Democratic Services**  
**Officer**

A. Hendry (Democratic Services)  
Tel: (01992) 564246 Email:  
democraticservices@eppingforestdc.gov.uk

Members:

Councillors C Whitbread (Leader of the Council & Leader of the Conservative Group) (Chairman), , N Avey, N Bedford, A Patel, J Philip, S Kane and H Whitbread

**PLEASE NOTE THAT THIS MEETING WILL BE RUN AS A VIRTUAL MEETING AND IS OPEN TO ALL MEMBERS TO ATTEND REMOTELY.**

**WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off**

and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

## **1. WEBCASTING INTRODUCTION**

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

## **2. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

## **3. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

## **4. REPORTS OF PORTFOLIO HOLDERS**

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

## **5. PUBLIC QUESTIONS AND REQUESTS TO ADDRESS THE CABINET**

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) 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 and 28).

**6. OVERVIEW AND SCRUTINY**

To consider any matters of concern to the Cabinet arising from the Council's Overview and Scrutiny function and to identify any matters that the Cabinet would like the Overview and Scrutiny Committee to examine as part of its work programme.

**7. RESPONSE TO CALL-IN ON THE "RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE" REPORT (Pages 7 - 14)**

This report went to the September 2020 Cabinet meeting where it was agreed but was later called in by 5 members. The lead member was Cllr Chris Pond. Attached is the original report, the Call-in sheet, along with notes from an informal meeting held after the call-in had been received.

This call-in was received that the 19 November 2020 Overview and Scrutiny Committee where they referred it back to Cabinet for their consideration.

**8. PURCHASE OF STREET PROPERTIES (Pages 15 - 26)**

Housing and Community Services Portfolio Holder – to receive a report (C-041-2020-21) on the unallocated right to buy receipts, to be used to part fund a street purchase programme.

**9. RECOMMENDATIONS FOLLOWING REVIEW OF SERVICE CHARGES (Pages 27 - 38)**

Housing and Community Services Portfolio Holder – to receive a report (C-042-2020-21) on the Council's charge for additional services, to tenants living in blocks of flats based on a CPI increase yearly.

**10. NEW HOUSING MANAGEMENT CHARGES (Pages 39 - 50)**

Housing and Community Services Portfolio Holder. To receive a report (C-043-2020-21) on proposed administration fees for carrying out non statutory requests from tenants, leaseholders and homeowners.

**11. ST JOHN THE BAPTIST CHURCH - DEVELOPMENT OPPORTUNITY (Pages 51 - 92)**

Housing and Community Services Portfolio Holder. To receive a report (C-044-2020-21) on the proposed development of the St John's the Baptist Church site.

**12. COVID 19 DEVELOPMENT PROJECTS - LOCAL BUSINESS SUPPLIERS / PROCUREMENT STRATEGY AND RULES (Pages 93 - 154)**

Environment and Technical Portfolio Holder. To receive a report (C-045-2020-21) on the renewal of the current procurement strategy.

**13. COVID 19 - DEVELOPMENT PROJECTS - TRAVEL LOCAL DEMAND RESPONSIVE TRANSPORT (DRT) TRIAL (Pages 155 - 170)**

Environmental & Technical Services Portfolio Holder. To receive a report (C-046-2020-21) on a proposal for a three month trial of a Demand Responsive Transport (DRT) bus service.

**14. ASBESTOS POLICY (Pages 171 - 210)**

Housing and Community Services Portfolio Holder. To receive a report (C-048-2020-21) on the adoption of a Council Asbestos Policy.

**15. CIVIC ACCOMMODATION AND COMMUNITY HUB (Pages 211 - 216)**

Leader – to receive a report (C-049-2020-21) on the opportunities for a community hub and its direction.

**16. QUALIS GROUP BUSINESS PLAN (Pages 217 - 224)**

Commercial and Regulatory Services Portfolio Holder. To receive a report (C-050-2020-21) on the Qualis Group Business Plan. Full Business Plan to follow.

**17. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution 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.

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

**18. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
19	Strategic Options for Waste Management Contract	3



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

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.

**19. STRATEGIC OPTIONS FOR WASTE MANAGEMENT CONTRACT (Pages 225 - 290)**

Environmental & Technical Services Portfolio Holder. To receive a report (C-047-2020-21) on a high-level review of the current Biffa contract.

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## **Report to the Cabinet**

**Report reference:** C-017-2020/21  
**Date of meeting:** 14 September  
2020



**Epping Forest  
District Council**

**Portfolio:** Commercial and Regulatory Services – Cllr. A Patel  
**Subject:** Release of Restrictive Covenants – Epping Forest College  
**Responsible Officer:** Karim Pabani (01992 564123).  
**Democratic Services:** Adrian Hendry (01992 564246).

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

**Epping Forest College is granted a variation to the covenants on the land further to previous removal of restrictive covenants, in order to facilitate the Colleges plans for the site.**

### **Executive Summary:**

The Epping Forest College Site was subject to restrictive covenants in favour of Epping Forest District Council in relation to the use of the Property for Education. These were agreed to be released in 2019, but since this time, in order to facilitate further College plans, two variations to the covenants are required. The first involves transfer of land to the residential developer to facilitate housing development. The second involves transfer of development land from the residential developer back to the College and removal of the restriction that said land can only be used for residential purposes. This is to facilitate the Colleges proposed wellness centre.

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

Removal of the covenants benefits the District by allowing the College to develop the Wellness Centre while also assisting the developer in unlocking further housing provision in the District in accordance with the Local Plan.

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

The restrictive covenants are not released. There is no governance, legal or commercial reason for EFDC to oppose the release of such covenants however and previous larger restrictions were agreed to be released in 2015 and 2019 by Cabinet.

### **Report:**

1. Title number EX535442, being the Epping Forest College Site, was subject to restrictive covenants set out in a 1955 Conveyance and a 1952 Conveyance in favour of Epping Forest District Council in relation to the use of the Property for Education.

2. It was agreed with the Council last year that these covenants would be released and new covenants imposed over two parts of the Epping Forest College site, being the “Middle Site” and “Borders Lane Playing Fields”. These variations were agreed with the Council to enable the College to sell the parts of the property that were unused and also enable the Council to deliver the housing as part of the local plan.
3. The Middle Site is now subject to restrictive covenants for the use for residential purposes.
4. At the Borders Lane Playing Fields Site, the red land is to be used for residential purposes and blue land for community uses as the College will be delivering a wellness centre at this site.
5. Given the development of the site over the course of the last year, two further variations are now required to the covenants – Cabinet need to therefore confirm that the following two variations would be permitted.

#### Variation 1 – Green Land:

The land edged green on the attached plan ‘FNH436 Plan 1’ is currently subject to the education covenants. The land edged orange and blue forms the “Middle Site” where the covenants were varied last year. The College and housing developer have agreed to transfer the land edged green to the developer. As such, the covenants for this parcel of land would need to be varied to residential.

The College will retain a permanent right of way over the Green Land. The College have confirmed that this land is not used to access the site, nor is it used for emergency access. The developer would like to maintain this land.

It is proposed that a release and variation in the same form as entered into last year for the green land is entered into. Please refer to marked up Deed of Surrender.

#### Variation 2 - Wellness Centre Land

Following the development of the plans over the last year, the housing developer is going to transfer some land back to the College to enable the College to build a larger, full site wellness centre. The land which is being transferred back to the College is shown edged red on “FNH437...Plan 1 NCC Ownership”. This land is currently subject to a restriction not to use the property other than for residential purposes (as this was part of the land varied last year). The covenants on this land need to be re-varied to permit use for community uses as this is to form part of the wellness centre site.

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

There are three covenants that affects part of the Epping Forest College Site. These are briefly:

- Not to use the land other than for the purposes of the Education Act 1944 and/or the Nation Health Service,
- Not to erect any buildings on the land without first obtaining consent, and

- Not to sell the land without first offering the land back to the Council and a set timetable for purchase must be followed. The purchase price is to be determined by the District Valuer and calculated in the same way Compulsory Purchase claims are settled.

On previous applications to release covenants on the College Site, Essex County Council have provided that there is no requirement for land to be used for education in this area. In which case the College are able to argue that the need for the covenant is redundant. If the Council refused to release the covenants the owner of the land could therefore apply to the Upper Tribunal to release the covenants.

When considering an application to discharge or modify a restrictive covenant, the Upper Tribunal will take into account the development plan, any pattern for the grant or refusal of planning permission in the relevant area, as well as the time and context in which the covenants were imposed. The Tribunal has the power to order the applicant to pay compensation to the person entitled to the benefit of the covenant.

If the Upper Tribunal decides that a covenant is no longer required, then the amount of compensation would be the reduction in the purchase price due to the imposition of the covenants.

Counsel's opinion has previously been obtained on this issue. The advice was that if the Council refused to release the covenants, the Council would lose the case and any compensation awarded would be small. In addition, the Council would probably have costs awarded against it, (the requirement to pay the other sides legal costs), resulting in the Council paying more than it received in compensation.

**Safer, Cleaner and Greener Implications:** None.

**Consultation Undertaken:** None.

**Background Papers:**

1. 05/11/2015 Cabinet Decision
2. Draft Deed of Surrender
3. College Plan
4. Ownership Plan

**Risk Management:** N/A

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## **EPPING FOREST DISTRICT COUNCIL**

Notification of Call-In of Portfolio Holder Decision under Paragraphs 45- 52 of Article 6 (Overview & Scrutiny) of the Constitution This form must be signed and completed and the original returned to the Proper Officer in person no later than the fifth working day following the publication of the decision to be called-in

**Decision to be called-in:** *Epping Forest College granted a variation to covenants*

**Decision reference:** C-017-2020/21 no.8

**Portfolio:** Commercial & Regulatory services

**Description of decision:**

“RELEASE OF RESTRICTIVE COVENANTS - EPPING FOREST COLLEGE Decision: Epping Forest College be granted a variation to the covenants on the land further to previous removal of restrictive covenants”

**Reasons for call-in**

1. The decision announced at the start of cabinet by the Leader to restrict members to one question each unreasonably and improperly hampered scrutiny
2. The non-attendance of the responsible Officer, and seeming inability of the PFH and other officers to answer detailed questions hampered scrutiny
3. We believe there is no longer an entity called “Epping Forest College”. Its assets and liabilities have (we understand) been acquired by New City College.
4. The plans and documents attached to the cabinet report are confusing, in part illegible, and inconsistent
5. The proposed new covenants are unstated other than in general terms and do not assure public use of the land and facilities proposed to be covered by the reconveyance of land proposed for a “wellness centre” [“the centre”] by New City College
6. Without the full text of the proposed new covenant, no provision is made for community control of any subsequent disposal of the land in the event of non-construction or failure of the proposed centre. There needs to be an explicit provision that this will be completed to agreed specifications and with explicit provisions for public access and the level of fees for that access before the release is granted. The land proposed to form the centre and its surrounding open space and the principle of public access needs to be defined before release of the covenant
7. The paper makes no mention of the sum to be paid by any party to EFDC in consideration of the council’s agreeing to new covenants, despite the huge uplift in land values profiting the college
8. There is no evidence in the Report that Essex County Council currently do not require land in Loughton for a new school site. Their statement five years ago does not necessarily hold good after the scale of new construction of dwellings envisaged in LPSV 2017. A signed statement by the ECC Chief Executive is needed

Members requesting call-in (3 members of the Overview and Scrutiny Committee or 5 other members)

**Members Name:**

C C POND

S W MURRAY

H B KAUFFMAN

D ROBERTS

C ROBERTS

**Lead member:** C C POND

Office Use Only:

Date Received: 23 September at 16.00



**Notes from informal virtual meeting held Wednesday 07 October 2020 – 17.00 to 17.30**

**RE: Cabinet decisions 14 September 2020 – Release of Restrictive Covenants – Epping Forest College.**

**In attendance:**

On behalf of the Call-in Members: Councillor Chris Pond.

Relevant Portfolio Holder: Councillor Aniket Patel (Commercial and Regulatory Services PH)

O&S Committee Chairman: Councillor Mary Sartin;

O&S Committee Vice Chairman: Councillor Robert Jennings

**Officers:** Natalie Boateng, Georgina Blakemore, Karim Pabani, Gary Woodhall & Adrian Hendry.

1. Councillor Sartin acted as Chairman for this meeting and asked Councillor Pond to give his opening statement. He indicated that he had nothing to add to points 1, 2 and 4 of the call-in sheet. He went on to note that this had been called in five years ago, when a number of Councillors thought it was ill advised. He noted that there were no detailed plans from the College for a Health Centre and Luctons Meadows. The district needed to keep the wellness centre and the open space. He did emphasise that points 5 and 6 of the call-in were important and would like the new covenant to include a provision of public access and reversion to community control in the event of non-construction.

2. Councillor Pond went on to ask about the willingness of the County not to use this land for educational needs and a new school. He was told that officers had been in contact with ECC recently and had received an email confirming that that they had no such plans. Councillor Pond asked that this email be shared with him. This was agreed.

3. Officers noted that the covenants ran with the land and with the successors entitled to the land. Officers agreed that the point made on the use of the land for community purposes and a Wellness Centre was valid and they could ask that the contract include a community benefit such as a Wellness Centre. Natalie Boateng would seek to tie this in with the contract. She would draw up documents in liaison with Councillors Pond and Patel. Councillor Pond agreed if this could be arranged then it should satisfy most of the points his members had raised.

4. Councillor Sartin summed up, noting that some more work needed to be done on this by officers but subject to this, was the lead member of the call-in happy with the actions put forward. Councillor Pond indicated that he would be happy once he had seen the outcome of the contract negotiations and would endeavour to put this solution to his co-signatories for their agreement.

5. The Call-in was put on hold, subject to further work being carried out by officers in consultation with Councillors Patel and Pond.

Adrian Hendry  
Democratic Services

9 October 2020

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## **Report to the Cabinet**

**Report reference: C-041-2020-21**

**Date of meeting: 03 December 2020**



**Epping Forest  
District Council**

**Portfolio: Housing and Community Services – Councillor H Whitbread**

**Subject: Purchase of street Properties**

**Responsible Officer: Deborah Fenton (01992 564221)**

**Democratic Services: Adrian Hendry (01992 564246)**

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

- (1) That the Cabinet agrees a street purchase programme which will consist of up to 28 properties; and**
- (2) To appoint Metaplan to undertake the purchases on behalf of the council.**

### **Executive Summary:**

The reports sets out the details of the recommendation that the unallocated right to buy receipts are used to part fund a street purchase programme. Whenever possible right to buy receipts (RTB) are used to fund the Council House Building programme. If following this, there are unallocated receipts, there are several options which can be utilised. A new policy on the utilisation of RTB receipts will be presented to Cabinet in the New Year. One of the options for disposing of RTB receipts is to purchase street properties. Although the return would not be as good as a sizeable new build scheme, when managed carefully and with the appropriate knowledge a street purchase scheme can add value to the HRA business plan

Officers have been allocating our right to buy receipts in line with the report which was agreed by Council House Building Cabinet Committee in July 2015. The report set out that unallocated RTB receipts could be used to purchase street properties. Further modifications have been made to this process to ensure that the properties purchased link to the need, deliver value and support the long term aims of the business plan. Subject to some final budget adjustments, officers expect to be able to purchase up to 28 properties. The total spend amounts to £10m. It should be noted that this sits within the HRA.

The previous street property scheme provided a combined IRR return of 3.46%

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

There is a requirement that all the Councils 1-4-1 Receipts from Right to Buy (RTB) sales are spent within three years of receipt. Any receipts which are not allocated are passed back to the Government, with Interest. The proposal to use the outstanding receipts will bring about much needed affordable housing and add value to the HRA business plan.

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

Not to purchase these properties and pass on the Receipts to Government with interest. This would not be in the best interest of the Council given the local housing need. Also, the strain put on the Council's Housing Revenue Account (HRA) due to the loss of stock, under RTB would worsen.

### **Report:**

In July 2015, the Council House-building Cabinet Committee considered a report on accelerating the house-building programme to ensure that all 1-4-1 Receipts from Right to Buy sales are spent within the required three years of receipt and none are passed on to the Government, with interest. One of the options agreed was to purchase street properties. The recommendations of Cabinet Committee were later agreed by the Cabinet.

To assist the Council with our proposed scheme Steven Tarry (Metaplan – CIHCM Development Director) will be appointed by the Council at the cost of approximately £1.8k per purchase. The fee will include:

- To source a range of properties ranging from 1 bed flats – 3 bed houses
- To view and negotiate the purchase of the properties
- To provide an estimate of any initial work to be carried out is required to bring to a habitable standard
- To provide a full financial appraisal (inc IRR) over 30 years to the Councils revenue data
- To coordinate the work of the valuer and solicitor (appointed by the Council)
- To provide a management report for each property

### **Value for Money**

In order to provide the best opportunity for value for money, the following principles will be applied:

**Housing Need** - Colleagues in 'housing options' have been consulted to develop a clear understanding of property type required to meet need. Where possible regard will be given to this data when purchasing properties.

**Property Type** - To prevent asset management challenges in the future 'pre – 1945 houses will not be purchased, (the construction method makes them difficult to treat). However, flats which are in blocks we own will be purchased as these will present savings in terms of the overall management costs.

**Financial Appraisal** – a financial appraisal will be carried out for all the proposed purchases. To ensure the purchase of street properties add value to the HRA business plan, the combined property pool must have an Internal Rate of Return of above 3.5%. This is calculated considering all income and expenditure over the next 30 years.

In order to make best use of our housing stock, purchases of ex right to buys and properties in blocks we currently own will be our preferred option, as these present the best long-term value.

When the offers have been accepted, legal searches, property surveys and independent valuation surveys will need to be completed before exchange. Subject to a satisfactory outcome, it is recommended that the Council completes the purchase of these street properties, with a view of letting them at an affordable rent in line with the Rent Policy.

**Resource Implications:**

The total spend amounts to £10m.

**Legal and Governance Implications:**

All relevant conveyancing legislation that is applicable along with standing orders and Financial Regulations.

**Safer, Cleaner and Greener Implications:**

NA

**Consultation Undertaken:**

Council house-building Cabinet Committee decisions from 4<sup>th</sup> June 2015 and the subsequent Cabinet Decision on 23<sup>rd</sup> July 2015.

**Background Papers:**

Cabinet Decision, 23<sup>rd</sup> July 2015.

**Risk Management:**

There is a higher risk of losing Right to Buy receipts if the Council does not complete the purchase of the properties, thus impacting on the future HRA revenue account.

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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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: Deborah Fenton – Director HRA

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

Title of policy or decision: Report on Street Purchase Programme

Officer completing the EqlA: Tel: 07988860412 Email: Dfenton@eppingforestdc.gov.uk

Date of completing the assessment: 12/11/20

## 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? NA
2.2	Describe the main aims, objectives and purpose of the policy (or decision): What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Disposal of appropriate assets for best consideration
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities? no</li></ul> Will the policy or decision influence how organisations operate?
2.4	Will the policy or decision involve substantial changes in resources?
2.5	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?



### **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).

3.1	What does the information tell you about those groups identified? NA
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? NA
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: NA

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	Neutral	L
Disability	Neutral	L
Gender	Neutral	L
Gender reassignment	Neutral	L
Marriage/civil partnership	Neutral	L
Pregnancy/maternity	Neutral	L
Race	Neutral	L
Religion/belief	Neutral	L
Sexual orientation	Neutral	L

## Section 5: Conclusion

		Tick Yes/No as 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?	No X	
		Yes <input type="checkbox"/>	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**

<b>What are the potential adverse impacts?</b>	<b>What are the mitigating actions?</b>	<b>Date they will be achieved.</b>

**Section 7: Sign off**

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

Signature of Head of Service: Deborah Fenton

Date: 13/11/20

Signature of person completing the EqIA:

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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## **Report to the Cabinet**

**Report reference:** C-042-2020/21  
**Date of meeting:** 03 December  
2020



**Epping Forest  
District Council**

**Portfolio:** Housing and Communities – Cllr H Whitbread  
**Subject:** Recommendations following Review of Service Charges  
**Responsible Officer:** Deborah Fenton (01992 564221).  
**Democratic Services:** Adrian Hendry (01992 564246).

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

#### **Executive Summary:**

- (1) Cabinet are asked to approve the recommendation to increase service charges using an incremental approach. This follows the review regarding the level of service charges across the district and the requirement to introduce a fair and consistent approach to service charges for tenants living in blocks.
- (2) That Cabinet agree to limit the increase in year 1 to no more than 40% (maximum £3.50 per week) and 70% in year 2.

#### **Executive Summary:**

The Council charge for additional services, to tenants living in blocks of flats based on a CPI increase yearly. An example of these services are the cleaning of blocks and communal utility costs such as electricity for lighting. EFDC's charging approach follows the government guidance to separate service charge from rents which took place in 2003. This approach has become challenging for most organisations over the years as some costs have risen above the rate of CPI. A recent analysis of cost against income is as follows:

**Income - £590,662.40**

**Income expected based on costs - £1,265,905.77**

**Short fall against current charges - £675,243.30**

Councils are now subject to rent regulations via the Regulator for Social Housing. The Regulations clearly state that social housing providers need to charge for services in a fair and consistent way which can be accounted for. This translates to charging the actual cost for the services broken down to each individual property. From a legal standpoint this protects us from challenge regarding fair and accurate charging. Service charges are subject to housing payment support for tenants who are in receipt of benefit. Although it is difficult to be 100% accurate our data indicates that approximately 70% are currently receiving housing payment support, thus the new charges will be covered by the benefit. It should be noted that the income and expenditure of service charges comes under the Housing Revenue

Account.

Officers undertook a large-scale review. The costs of services provided has now been established and applied to each individual property. This paper provides details of the review and the methodology used.

It is proposed that the increase will be implemented using an incremental approach over 3 years. This would seem fairer, particularly during these unprecedented times.

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

The development of a fair and accurate charging regime for service charges supports the overall aspirations of the Councils Corporate Plan – Stronger Communities, Stronger Council.

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

Not to develop a fair and accurate charging regime. This would leave us potentially in breach of the newly published Rent Regulations and at risk of legal challenge around fair charging. Furthermore, if not addressed will add pressure to the HRA

### **Report:**

#### **1. Historical Context**

Under the rent restructuring mechanism, (1999) local authorities were urged by government to separate the elements of the rent relating to the provision of communal services such as grounds maintenance, caretaking, door entry systems, concierge service etc, to make it more transparent to tenants which services they pay for (this is known as depooling). In effect this meant that tenants would be paying a separate charge for additional services. EFDC undertook this exercise, however at the time it was decided not to review the charges, in terms of developing a charging regime which considered the size of each unit, the actual cost of the service and apportioning the cost per property accordingly. EFDC took the approach of continuing to increase service charges by applying a yearly CPI uplift. This has resulted in an increasing deficit year on year. The amount for 19/20 was £675,243.30. (not accumulative).

#### **2. Regulation**

The recent change in regulatory governance for Councils requires EFDC to meet the requirements of the Regulatory Framework (set out by the Regulator of Social Housing). The Regulatory Standard for rents states the following:

*Registered providers are expected to set reasonable and transparent service charges which reflect the service being provided to tenants. Tenants should be supplied with clear information on how service charges are set.*

To meet the regulatory standards, a fair and transparent charging regime needs to be implemented. Furthermore, tenants are not currently informed as to the amount of service charged applied, as it is supplied as one charge.



### 3. Review Methodology

The process for understanding the true cost of services against the actual cost charged involved an exercise of taking each service element and then working out the cost for that element for each block. Two options were considered when developing the method for working out the individual charge per property. The first was using number of bedrooms. When the calculation using this method was run through, it was decided that the overall apportionment of costs looked unfair with the 3-bed charge being 3 times that of a 1 bed. The second option was to use the gross rateable value. This, when applied created a charging regime which was much fairer.

### 4. Utility cost and the Impact

Whilst this paper discusses the increase in charges there are steps which can be taken which reduce elements of service charge. Utility cost represent one of those elements. Communal gas and electric represents a sizable portion of service charge costs. This is particularly notable in sheltered housing and temporary accommodation where the charges are higher than general needs blocks. It is normal practice for housing providers to negotiate bulk contracts with single utility providers for communal supplies to ensure best value for residents. As such officers will be reviewing the options for procuring cheaper energy during the year 21/22. This can then be reflected in the service charges

### 5. New Charges – General needs

The table below evidences the highest, lowest and average differentials in terms of what is being charged now and the revised new charge (although the increase will be limited in year 1 and 2) 228 properties will see a reduction in service charge, these properties have not been included in the data table below. Properties have been anonymised to maintain confidentiality for individuals. It should be noted that the charges in subsequent years may increase/decrease slightly depending on actual costs. Furthermore, residents receiving support for housing costs will not pay for the increased costs. Support will be offered across the board to these tenants in the way of a review to assist them to maximising benefits.

Property	Old charge per week	New Charge per week
1	£4.02	£4.13
3	£2.82	£5.35
4	£0.42	£4.52
5	£0.33	£4.62

It is proposed that, as mentioned in the executive summary the increase is limited to a increase in year 1 to no more than 40% (maximum £3.50 per week) and 70% in year 2.

### 6. Consultation

Consultation has been carried out with the tenant's panel; no specific concerns were raised. However, officers plan to consult with the local resident groups over the next few months. This is viewed as an important exercise particularly as it is important to work with tenants to maximise their benefits, furthermore it is an additional opportunity to talk to residents about the actions we are taking to create places where people want to live.

**Resource Implications:**

None

**Legal and Governance Implications:**

The review has been carried out in line with legal and government guidelines.

**Safer, Cleaner and Greener Implications:**

The review sets the opportunity to tweak our services to enhance our communities, creating places where people want to live.

**Consultation Undertaken:**

Consultation has been undertaken with the Tenants Panel

**Background Papers:**

NA

**Risk Management:**

None

**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 as an Appendix to this report.

# 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: **Housing Management**

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

Title of policy or decision: **Review of service charges**

Officer completing the EqlA: **Deborah Fenton** Tel: **01992 564221** Email: **dfenton@eppingforestdc.gov.uk**

Date of completing the assessment: 14/1120

## 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? <b>No</b>
2.2	Describe the main aims, objectives and purpose of the policy (or decision): <b>N/A</b>  What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? <b>N/A</b>
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <b>No</b>  Will the policy or decision influence how organisations operate? <b>No</b>
2.4	Will the policy or decision involve substantial changes in resources? <b>No</b>
2.5	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? <b>No</b>

### 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).

3.1	What does the information tell you about those groups identified? <b>N/A</b>
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? <b>Consultation has taken place with the Tenant Panel</b>
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: <b>N/A</b>

## 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 Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	<b>Neutral – the paper is for information only and will not impact on any groups</b>	L
Disability	As above	L
Gender	As above	L
Gender reassignment	As above	L
Marriage/civil partnership	As above	L
Pregnancy/maternity	As above	L
Race	As above	L
Religion/belief	As above	L
Sexual orientation	As above	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X	
		Yes <input type="checkbox"/>	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.
None	N/A	N/A/De



**Section 7: Sign off**

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

Signature of Head of Service: Deborah Fenton

Date: 14/11/20

Signature of person completing the EqlA: Deborah Fenton

Date: 14/11/20

**Advice**

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA 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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## Report to the Cabinet

**Report reference:** C-043-2020/21  
**Date of meeting:** 03 December 2020



**Epping Forest  
 District Council**

**Portfolio:** Housing & Community Services – Cllr Holly Whitbread

**Subject:** New Housing Management Charges

**Responsible Officer:** Deborah Fenton  
 Director – HRA Functions (01992 564221).

**Democratic Services:** Adrian Hendry (01992 564246).

### Recommendations/Decisions Required:

**To approve the proposed administration fees for carrying out non statutory requests from tenants, leaseholders and homeowners.**

### Executive Summary:

EFDC owns approximately 12,000 assets including properties and garages. In addition to these, the Council owns other assets such as parcels of land, pathways, un-adopted roads, alleyways and grassed areas on residential estates.

A review of the staffing structure was carried out during the latter period of 2019, a decision was made to split the housing management team into 3 separate teams. The reason for this was to enable specialisms which would lead to improved services for residents. In addition, the Council would then be in a position to review charges for non-statutory requests. This report sets out the review of services which do not currently attract a charge.

There is a cost to the District council to carryout non-statutory tasks, these costs are not currently recovered. It is good practice to have a clear charging process agreed for these requests, so not putting pressure on the HRA account. Furthermore, any income can be regenerated to improve service provision for our communities.

A desk top review was carried out with comparable Councils to ensure we are charging a fair and reasonable charge.

### The proposed charges are as follows

Type of Licence/Charge	Proposed charge
Permission to create front garden parking (applies to Council and ex Council dwellings)	£75.09 plus VAT
Applications for Leaseholder Sublets	£84
Skip Licences	£65
Replacement Fobs	£20

## **Reasons for Proposed Decision:**

This report sets out the proposal to introduce reasonable administration costs to cover tasks carried out which are non-statutory requests. It should be noted that housing management changes sits under the Housing Revenue Account.

## **Report**

### **Applications for Front Garden Parking**

1. The Housing Portfolio Holder agreed on 1 July 2020 to charge occupiers a sum of £75.09 plus VAT per annum fee (plus the Council's reasonable legal fees) for licences for vehicle access across housing land. The charge is reviewed annually at the same time as all the other housing related fees and charges.
2. In most circumstances, the charge is made where residents have built garages in their rear gardens and access is gained across housing owned garage sites.
3. Officers would now like to introduce a charge where occupiers of Council and ex Council accommodation (sold under the Right to Buy Scheme) wish to create front garden parking to their home. In many cases, access is gained across housing owned land, directly off the Highway, to allow off street / garden parking.
4. Currently, when permission is given for a crossover, the occupier crosses housing land free of charge and in some cases, in doing so this can remove up to 12 metres of housing green. Vehicular access to any dwelling would increase the property value. It is therefore suggested, that charges should be made to residents for the enjoyment of such rights and to enable the Council to withdraw permission with reasonable notice should it wish to. Any charges collected would be income to the HRA which could be spent on Housing related services, such as estate enhancements.
5. It is proposed that the fee should be the same as that levied for owner occupiers seeking covenant consent for alterations to their home.

### **Applications for Leaseholder Sublets**

6. We have many leaseholders who request to sublet their leasehold properties and the lease allows for this. Once registered as a sublet property the leaseholders become landlords in their own right, renting the property on the open market and receiving an income in this respect.
7. In effect, the leaseholders use the properties as a business. Given this, it is seen as reasonable to charge a fee in return for the administration work undertaken to register and manage as a sublet property.
8. The Council has sought legal advice in this respect to make sure that the Councils Right to Buy lease would allow for this additional charge.

9. It is proposed that the fee should be £84.00 (plus inflation cost 2021/2022), this is a one-off cost for each application.

### **Skip Licences**

10. Permission to install a skip on HRA land is procedurally handled by issue of a letter agreeing to the installation, subject to certain conditions and free of charge. After a review of its procedures, Officers suggest that the Council's best interest be served if the Council were to issue a specific skip licence. Further, Officers recommend that it would be appropriate to charge a fee for issue of such a licence. Research suggests that other Local Authorities levy similar charges, the average charge being between £30 to £165. Officers are recommending that a charge of £65 for a permit of a duration of 1-2 weeks be implemented.

### **Fobs**

11. When tenants are allocated a property, a fob is issued during the sign-up process. The cost of replacing fobs costs the Council £18.57 for existing door entry systems. Members have previously agreed that the cost of lost or additional fobs be recharged to the Tenant. However, the cost of replacing fobs for accommodation built under the Council's house build programme are considerably higher at £56.74. In some circumstances an Officer also will need to visit site, to programme the fob. Officers are recommending that a charge of £20 is made for replacement fobs for existing door entry systems, however the charge for lost or additional fobs in new build accommodation be charged at a sum of £56.74.

### **Clearance, Storage and Disposal of Goods acquired under The Torts (Interference with Goods) Act 1977**

12. The Torts (Interference with Goods) Act 1977 governs the sale and disposal of goods, particularly abandoned goods, but is commonly used by landlords to dispose of personal belongings left in communal areas. The Act requires a Tort Notice to be served before any goods are removed and disposed of. A Tort Notice gives the owner of the goods time to remove the items themselves. If the goods are not removed within the allotted time, the goods can be sold or disposed of. Circumstances in which The Tort (Interference with Goods) Act 1977 may be instigated include; where goods are left in a property or garage following repossession; where goods are left in communal areas against the terms of the Council's Tenancy Agreement, Lease Agreement and in contravention of the Council's Fire Policy. Where goods are removed, the goods are stored in a secure storage facility for a specific duration (dependent upon the relevant policy), before being sold or disposed of. Officers recommend that any costs incurred should be recharged to the owner of the goods if known as follows: Removal at £79 and storage at £59 per week, however it is recommended that disposal of goods be subject to quotation plus 15% to cover the cost of administration.

### **Resource Implications:**

The work will be carried out by the relevant housing management team

**Legal and Governance Implications:**

The Torts (Interference with Goods) Act 1977

**Safer, Cleaner and Greener Implications:**

Better use of our assets creating places where people want to live.

**Consultation Undertaken:**

Housing and Property colleagues were consulted and agree with the contents of this paper

**Background Papers:**

HRH report 1<sup>st</sup> July 2020

**Risk Management:**

Should the charges not be implemented the cost of delivering the requests will be borne by the HRA.

## 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: Deborah Fenton – Director HRA

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

Title of policy or decision: New Housing management charges

Officer completing the EqlA: Tel: 07988860412 Email: Dfenton@eppingforestdc.gov.uk

Date of completing the assessment: 12/11/20

## 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? NA
2.2	Describe the main aims, objectives and purpose of the policy (or decision): What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? Disposal of appropriate assets for best consideration
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> Will the policy or decision influence how organisations operate?
2.4	Will the policy or decision involve substantial changes in resources?
2.5	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?



### **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).

3.1	What does the information tell you about those groups identified? NA
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? NA
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: NA

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	Neutral	L
Disability	Neutral	L
Gender	Neutral	L
Gender reassignment	Neutral	L
Marriage/civil partnership	Neutral	L
Pregnancy/maternity	Neutral	L
Race	Neutral	L
Religion/belief	Neutral	L
Sexual orientation	Neutral	L

## Section 5: Conclusion

		Tick Yes/No as 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?	No X	
		Yes <input type="checkbox"/>	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.

**Section 7: Sign off**

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

Signature of Head of Service: Deborah Fenton

Date: 13/11/20

Signature of person completing the EqIA: Deborah Fenton

Date: 13/11/20

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

**Report reference:** C-044-2020/21  
**Date of meeting:** 03 December  
2020



**Epping Forest  
District Council**

**Portfolio:** Housing and Community Services – Cllr H Whitbread

**Subject:** St John The Baptist Church – Development Opportunity

**Responsible Officer:** Deborah Fenton (01992 564221).

**Democratic Services:** Adrian Hendry (01992 564246).

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

- 1. Cabinet are asked to approve progression to full planning and give approval to commit the capital required (£3,692,023) to build out the proposed scheme which can be viewed in appendix A. This will form part of phase 5 of the council house building programme; and**
- 2. That Cabinet note the beginning of Phase 5, which will be funded from the HRA account.**

### **Executive Summary:**

The Council was approached by representatives of the Church to enquire as to whether there would be any appetite to undertake a joint project to develop a community hall and accommodation. The Church is keen to ringfence any residential accommodation for Key Workers. Furthermore, the community hall will be utilized by the Church and other local groups. The full details are subject to negotiation, however, a brief report has been prepared by our consultant (Metaplan). This indicates that subject to a mix of affordable and shared ownership housing, the project would provide a healthy return for the Council over the period of the Business Plan. In addition, a much-needed community resource would be created.

Funding for the project will come from the HRA account. A grant will also be sort from Homes England to which we are an investment partner.

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

The development of affordable housing supports the overall aspirations of the Councils Corporate Plan – Stronger Place, Stronger Communities.

The opportunity to partner with St John The Baptist Church provides both financial and community partnership benefits for the Council.

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

Not to progress to full feasibility in which case the Church would contract with a private developer.

## **Report:**

### **Historical Context**

The Church was granted Outline Planning consent in 2015 to construct a two-story community building to the side of the historic church building. The cost of undertaking the project was found not to be feasible. In early January 2020 the Council was approached by the Church to discuss the appetite for engaging in a joint project to provide both a community facility and residential accommodation.

### **Introduction**

An initial scoping report was submitted in March outlining the feasibility of the proposal to provide affordable housing above a new single storey community building to the rear of the Church. Following this, a stage “0” architectural study and cost estimate were commissioned to further explore the initial conclusion formed in March. The results are presented below.

### **Methodology**

Three options have been prepared by ECDA:

- A.** 4 x 1 bed flats; 4 x 2 bed flats plus community space with double height hall, in three storeys.
- B.** 2 x 1bed flats; 6 x 2 bed flats plus community space in three storeys.
- C.** 3 x 1bed flats; 7 x 2 bed flats plus community space in three / four storeys.

Option A was rejected on the basis of high cost and poor efficiency and not taken further.

Options B and C have been studied by Airey Miller who have produced a cost estimate drawn from experience on other local schemes making various assumptions for “design and build” procurement, a degree of inflation and some allowance for risks.

Build costs have been assumed to be £2,560 / m<sup>2</sup> (which is somewhat higher than £2,250/m<sup>2</sup> assumed in March). The proposed designs are all relatively efficient with only 15% non-lettable space. Data for both sale values and rental rates have been estimated based on comparable accommodation in Epping on Rightmove (July 2020), which shows very little change since March.

Viability studies have been created using SDS ‘Proval’ appraisals for ‘Land’ together with ‘Rent and Sale’

### **Feasibility Study**

The tables below show summaries of financial outcomes for each option for 1 and 2 bed flats of each tenure. The Councils financial assumptions have been used in the ‘affordable’ calculations including assumed management, maintenance and service costs; voids at 3% pa; an annuity mortgage structure at 3.4%; a discount rate of 3.5% and inflation set at 2.5% of all income and costs. Grant has been assumed for all the ‘affordable’ options set at 30% of the qualifying costs – the basic assumption for recycling RTB receipts. It should be noted that this is somewhat artificial and distorts the calculations to some extent.



## Option B

It can be seen that for Option B, net profit is reduced to 5% for outright sale after allowing for the provision of the ground floor community space. This option therefore has poor viability at this level assuming that 15% is a normal commercial target, and 10% is a working minimum.

OPTION B	SALE	RENT	SHARED OWNERSHIP
SALES	(3,340,000)	-	(1,169,000) 35.00%
Land Cost	-	-	-
Construction	2,797,360	2,795,313	2,795,313
Fees	263,453	377,367	377,367
Marketing	50,100	-	-
<b>TOTAL COST</b>	<b>3,110,913</b>	<b>3,172,680</b>	<b>3,172,680</b>
Gross Profit	(229,087) 7.4%		
Interest	76,541	(inc Fees)	(inc Fees)
Net Profit	(152,546) 4.9%		
Grant	-	(951,804) 30%	(951,804) 30%
NPV of Rent	-	(1,772,282)	(1,114,636)
Deficit (surplus)	-	448,594	(62,760)
IRR	n/a	1.93%	3.92%

For the 'affordable' uses it can be seen that:

- At LHA levels without more grant, the scheme would not be viable over 30 years. Even using the Councils very low interest rates, the scheme produces a deficit and has an IRR < 2%. It is not unusual for providers of affordable housing to use a 'time horizon' of 45 or even 60 years, however this permutation (assuming an 'annuity' mortgage type), would run a revenue deficit for over 30 years. This option would achieve 'payback' by year 34 i.e. well within the 'design life' of the buildings.
- For Shared Ownership, using the Councils policy of a 35% share, this Option returns a small surplus and has an IRR of 4%. This calculation excludes any additional profit from 'staircasing'...after payback of grant, the long-term surpluses could boost the IRR by a further 2%. Full grant has again been assumed.

## Option C

For Option C, the additional two units improves profitability to 13.7% (Gross) and 13% (Net). This should be regarded as an acceptable starting point

OPTION C	SALE		RENT		SHARED OWNERSHIP	
SALES	(4,110,000)		-		(1,428,000)	35%
Land Cost	-		-		-	
Construction	3,245,725		3,244,073		3,244,073	
Fees	306,501		437,950		437,950	
Marketing	61,650		-		-	
<b>TOTAL COST</b>	<b>3,613,876</b>		<b>3,682,023</b>		<b>3,682,023</b>	
Gross Profit	(496,124)	13.7%				
Interest	87,648		(inc Fees)		(inc Fees)	
Net Profit	(408,476)	11.3%				
Grant	-		(1,104,607)	30%	(1,104,607)	30%
NPV of Rent	-		(2,188,443)		(1,361,591)	
Deficit (surplus)	-		388,973		(212,175)	
IRR	n/a		2.34%		4.77%	

For the affordable uses of this option:

- a. For rent at LHA levels, the picture is similar to Option B with a substantial deficit but is improved to the extent that a “payback” would be achieved in 32 years and the IRR is >2%.
- b. For Shared Ownership, a healthier surplus would be achieved and an IRR of 5%. Whilst this would be low for a typical Housing Association, with its lower cost of borrowing, the Council may find this acceptable. Again, profit would be boosted by circa 2% through ‘staircasing’ surpluses.
- c. A mix of say 3 units for rent with 7 units for S.O. could produce a low but acceptable IRR.

## Risks

Having moved the scheme along to this second stage, some of the cost and design risks have been reduced. The principle risk now relates to planning permission:

- The site is small, constrained and in a very prominent location - the consented design was potentially very expensive.
- Some housing has been assumed at the 3rd and 4th storeys – planning officers have already signalled concerns in terms of competing with the height, mass and scale of the Church building.
- ‘Zero parking’ has been assumed for the flats, but balconies have been included where possible addressing concerns regarding private amenity space is available

The community building is assumed to be a “shell only” so there would be the cost arising from the fit out of £250,000 to fund. Two parking spaces have been provided for Church use.

## **Conclusion**

The premise of building a single storey community building funded by residential accommodation above still appears to be possible. However, building costs have increased while sales values have remained static. The scheme is larger in terms of the sellable space, and good efficiency in the design is helpful.

Option B is marginal in terms of its basic cost: value ratio. However, for a shared ownership scheme it may be possible, particularly if the council were able to flex its policy regarding the terms of sale.

Realistically, Option C is better and use for some form of affordable housing should be possible, subject to planning and a policy decision regarding grant input.

## **Next Step**

The next step would be to test the design with planners at a “pre-app” meeting. The application has been submitted. If the larger mass is not possible, alternatives would be converting some of the ground floor space to residential use or selling some of the flats outright to cross-subsidise the affordable homes, or a capital contribution from the Church as part payment for the community building.

## **Resource Implications:**

**The capital required is (£3,692,023) to build out the proposed scheme in appendix A**

## **Legal and Governance Implications:**

Any professional consultancy services will be procured in line with the Council procurement rules.

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

The desk top study assumes nil parking which fits with our declaration of a climate emergency.

## **Consultation Undertaken:**

Initially consultation has been undertaken with the Portfolio holder and Members at a recent workshop.

## **Background Papers:**

Check may/July

## **Risk Management:**

Included in 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: Housing Development Team

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: None

Title of policy or decision: **Additional Preferred Housing Association Partners.**

Officer completing the EqIA: **James Shutt, Tel: ext. 4746**

Email: [jshutt@eppingforestdc.gov.uk](mailto:jshutt@eppingforestdc.gov.uk)

Date of completing the assessment: **9<sup>th</sup> November 2020**

## 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?

**A change to an existing decision.**

2.2

Describe the main aims, objectives and purpose of the policy (or decision):

**(1) That the scheme be amended to include private Registered Providers who are not housing associations and be renamed Preferred Registered Provider Partners of the Council.**

**(2) That Network Homes, and Legal and General Affordable Homes become Preferred Registered Provider Partners of the Council.**

What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?

**To appoint these two additional registered providers as the Council's preferred partners and work in partnership with them to pursue and deliver the increased affordable housing opportunities that will come forward following the adoption of the Council's new Local Plan.**

**It is important that the Council has enough preferred partners with financial capacity and development ambitious to potentially make a significant contribution to the range of affordable housing schemes planned in the District through the Council's new Local Plan.**

	<p><b>Officers have assessed both organisations and determined that they would make good partners, meet the criteria and be a good fit for the Council’s future for affordable housing development.</b></p>
2.3	<p>Does or will the policy or decision affect: potential</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p><b>All these groups may potentially benefit from this decision change.</b></p> <p>Will the policy or decision influence how organisations operate?  <b>Council officers will continue to engage with these partners to deliver the increased level of affordable housing expected in the Local Plan period.</b></p>
2.4	<p>Will the policy or decision involve substantial changes in resources?  <b>No, since there is an established process and framework through which the engagement process will continue.</b></p>
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><b>If adopted, it will support the Local Plan (Submission Version) 2017.</b></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).

3.1	What does the information tell you about those groups identified?
-----	---

	<p><b>This Decision will ensure that these two additional registered providers will work in partnership with the Council to deliver the increased level of affordable housing expected, thus providing much needed affordable home in the District.</b></p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p><b>Not necessary now.</b></p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p><b>We will review and consult if necessary, however, consultation may not be necessary since this decision is limited to the inclusion of these two additional registered providers.</b></p>



## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	Neutral	Low
Disability	Neutral	Low
Gender	Neutral	Low
Gender reassignment	Neutral	Low
Marriage/civil partnership	Neutral	Low
Pregnancy/maternity	Neutral	Low
Race	Neutral	Low
Religion/belief	Neutral	Low
Sexual orientation	Neutral	Low

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No X <input type="checkbox"/>	
		Yes <input type="checkbox"/>	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.
None		
None		
None		
None		
None		
None		
None		
None		
None		

**Section 7: Sign off**

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

Signature of Head of Service:

Date:

Signature of person completing the EqIA:

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.

**ST JOHN THE BAPTIST CHURCH**  
EPPING FOREST DISTRICT COUNCIL

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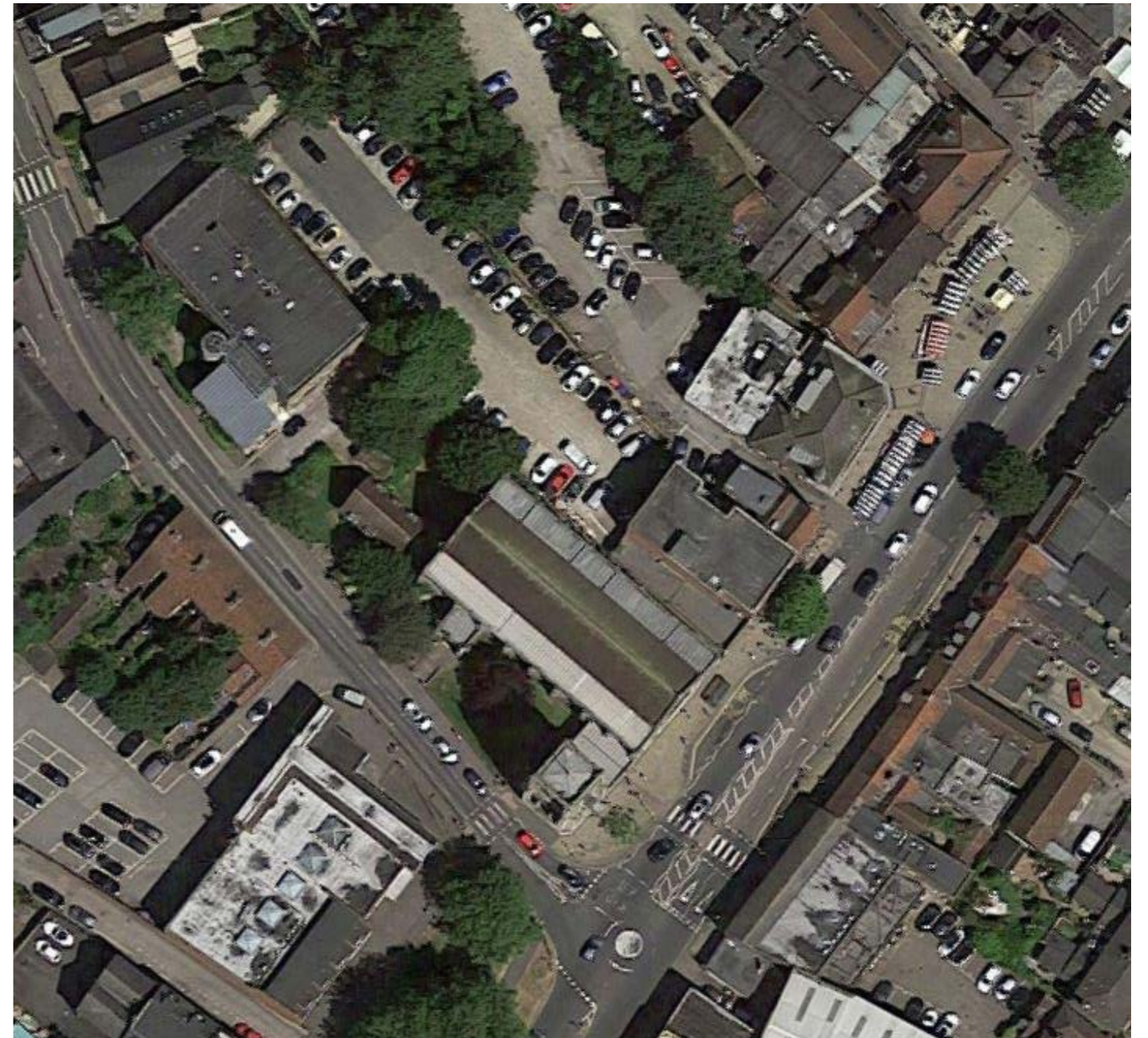
ST JOHN'S ROAD, EPPING CM16 4BH

OCTOBER 2020 | REV C

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RIBA STAGE 1 - PRE-APP

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This report has been prepared by ECD Architects for and on behalf of Epping Forest District Council.

Client:  
Epping Forest District Council  
323 High Street,  
Epping,  
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Author	Reviewer	Date	Rev.	Notes
SG	BA	08.10.2020	C	Final Issue for Pre-App
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SG	BA	01.10.2020	A	Issued for Pre-App
SG	BA	29.09.2020	-	Draft Issue

**1 Introduction**

- 1.1 Brief
- 1.2 Location and Context
- 1.3 Site Characteristics
- 1.4 Previously Approved Planning Drawings

**2 Design Criteria**

- 2.1 Site Analysis
- 2.2 Opportunities and Constraints
- 2.3 Relevant Policies

**3 Proposal**

- 3.1 Footprint and Access
- 3.2 Massing Sections
- 3.3 Conceptual Layouts - Floor Plan
- 3.4 Conceptual Layouts - Massing View
- 3.5 Precedents

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# 1

## INTRODUCTION

### Introduction

- 1.1 Brief
- 1.2 Location and Context
- 1.3 Site Characteristics
- 1.4 Previously Approved Planning Drawings



## Overview

This document provides a Pre-App assessment of St John the Baptist Church site and surrounding grounds. A capacity study of the site has been developed taking into consideration the constraints of the site. In this, different options have been proposed and discussed with the Client in several meetings.

This document details the brief and requirements as requested from Epping Forest District Council, analyses the constraints of the site and provides a proposal that fits in the context satisfying the Client's expectations.

## Brief

Further to the stated above, the objective of this report is to identify the feasibility of providing housing on top of a Community Space next to the Grade II St John the Baptist Church.

## EFDC Requirements

- Level of Accessibility
- - Accessible and adaptable dwellings, complying with the Approved Document M4(2)
- Parking Provision: a disable parking space and a space for a vicar
- Mix of residential units: 1 and 2 bedrooms
- Ground floor Community Space

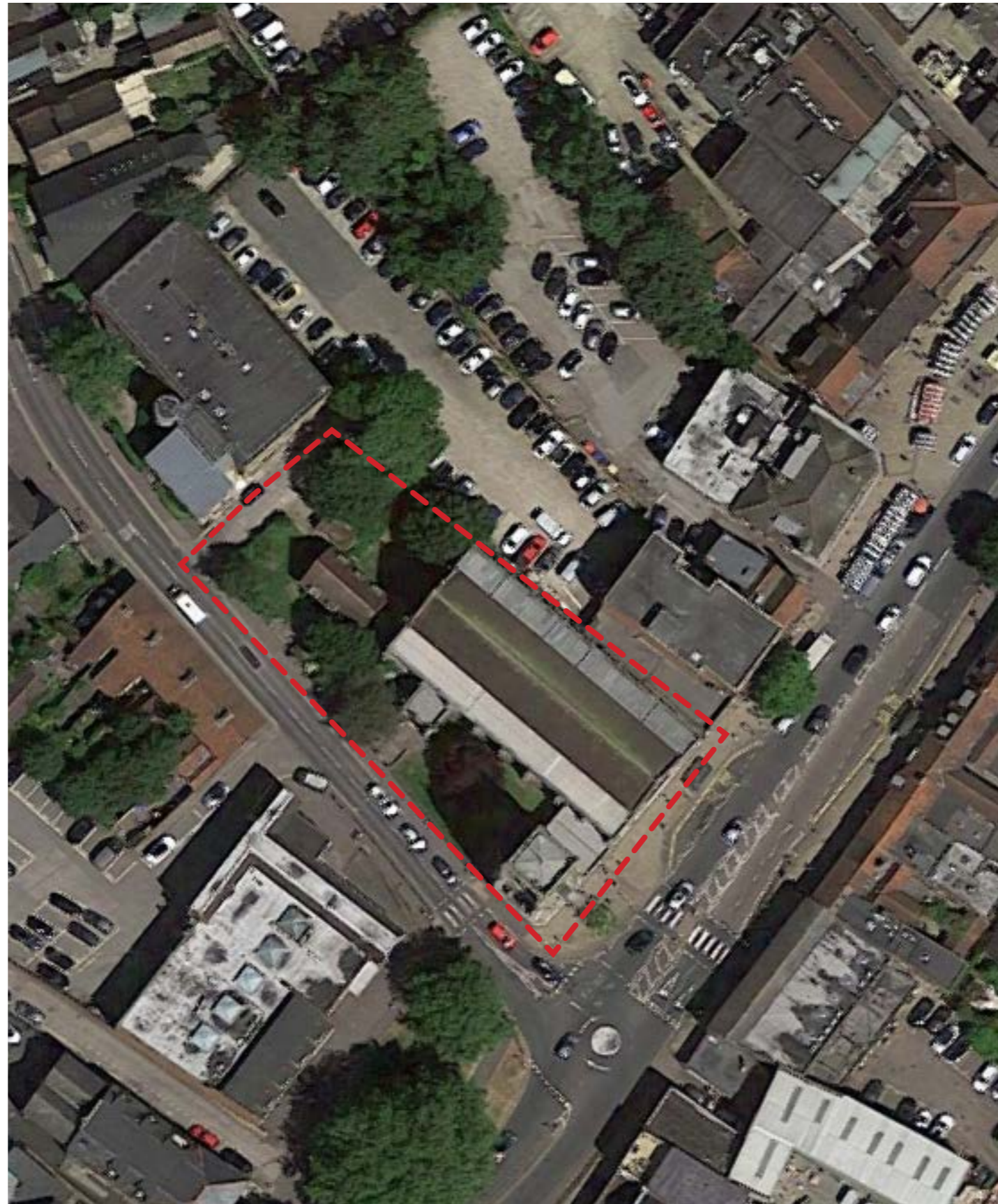


Figure 1 - Aerial View of Site



Site Boundary



Epping Forest is a local government district in Essex located in the west of the county, bordering northeastern Greater London. St John the Baptist Church is very well connected to the city by TfL central line, under an hour journey from Epping Station (10 minute walk). Additionally, there are frequent buses on High Street (1 minute walk), to move around Epping Forest.

While Epping Forest is a residential area, St John the Baptist Church is located within immediate vicinity to a high street, where several pubs, restaurants and shops can be found in five minute walk.

There are several parks and green ways within a short walking distance, with just 10 minute walk from the site.



Figure 2 - Site and Context, indicating walking distances




# 1.3 SITE CHARACTERISTICS

The context is shaped by two-storey building with pitched roofs, forming a low-density private residential context. However, there is a three-storey library next to the site.

Further to a previous Planning Application on the site, it is assumed that the existing Garage and Church Office can be demolished and the highlighted trees removed.

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- KEY
-  Site Boundary
  -  Sun Path
  -  Buildings to be demolished
  -  Trees to be removed
  -  Library (three-storey building)

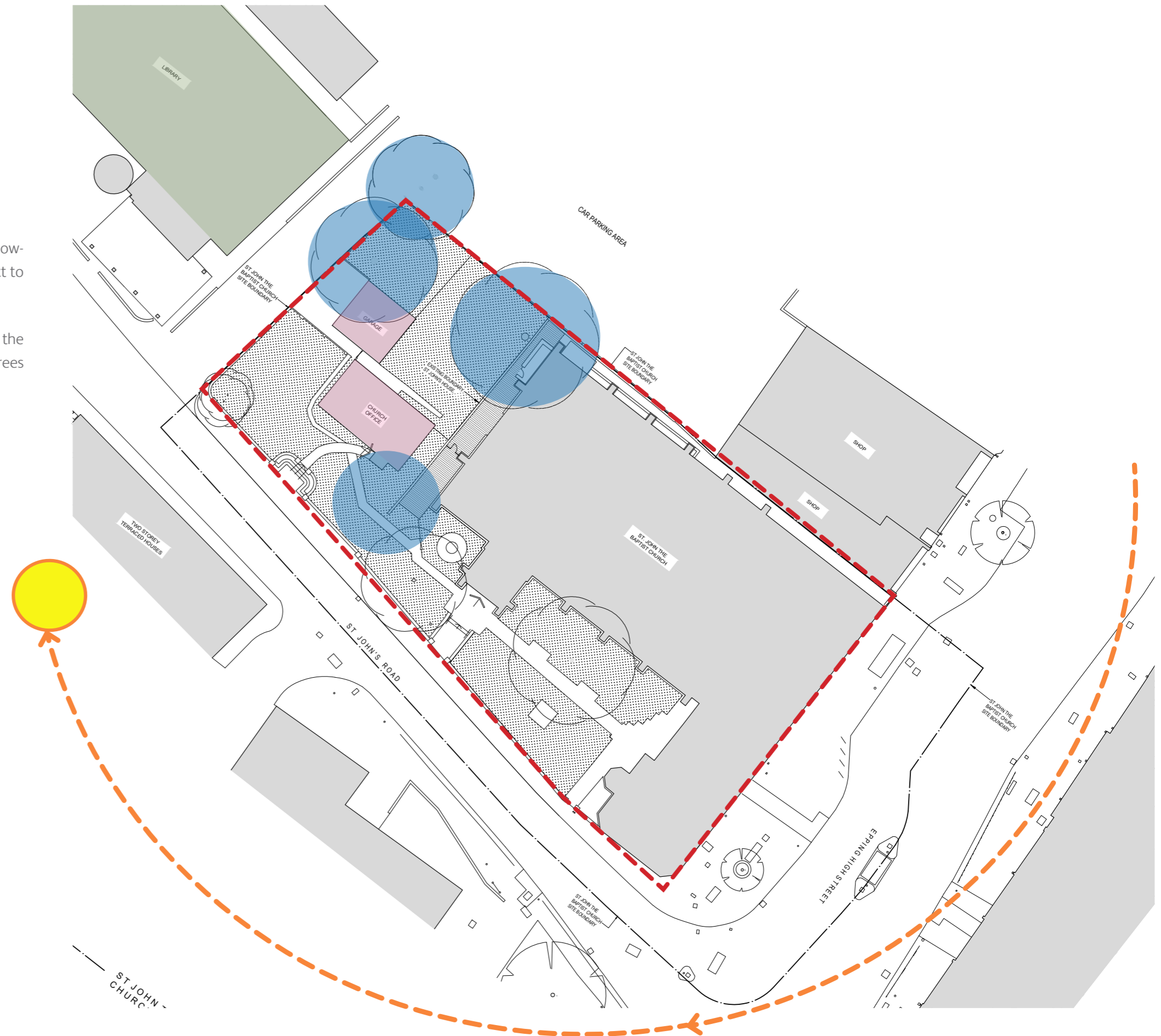


Figure 3 - Site Analysis



Historically and currently, Epping High Street has been a prominent route and feature of Epping, with St Johns the Baptist Church also being a main feature alongside it.



Figure 4 - Epping High Street heading North



Figure 5 - Historical Photo of Epping High Street



Figure 7 - Epping High Street heading South

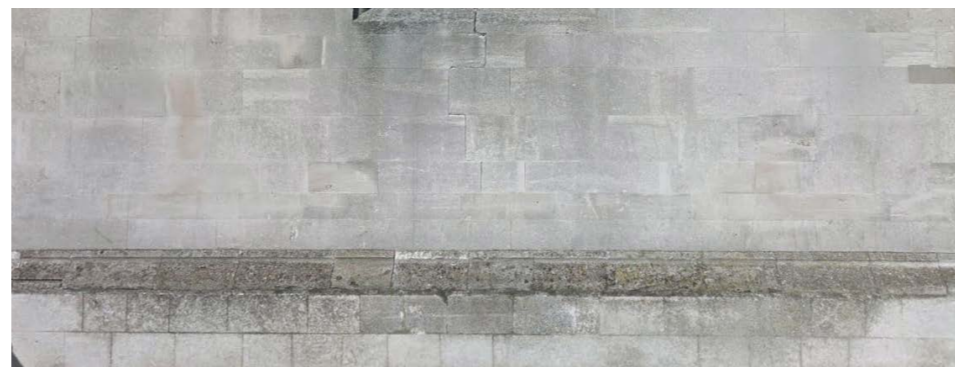


Figure 6 - Church Material Palette



Figure 8 - View from St Johns Road heading towards Epping High Street



## 1.4 PREVIOUSLY APPROVED PLANNING DRAWINGS

The previously approved scheme proposed a 2 storey building that provided:

Ground Floor:

- Foyer connecting proposed to existing church
- Cafe
- Community Space/Exhibition
- Kitchen
- Main Hall
- Stores/Storage
- WCs

First Floor:

- Meeting Rooms
- Office
- Reading Gallery
- Stores/Storage

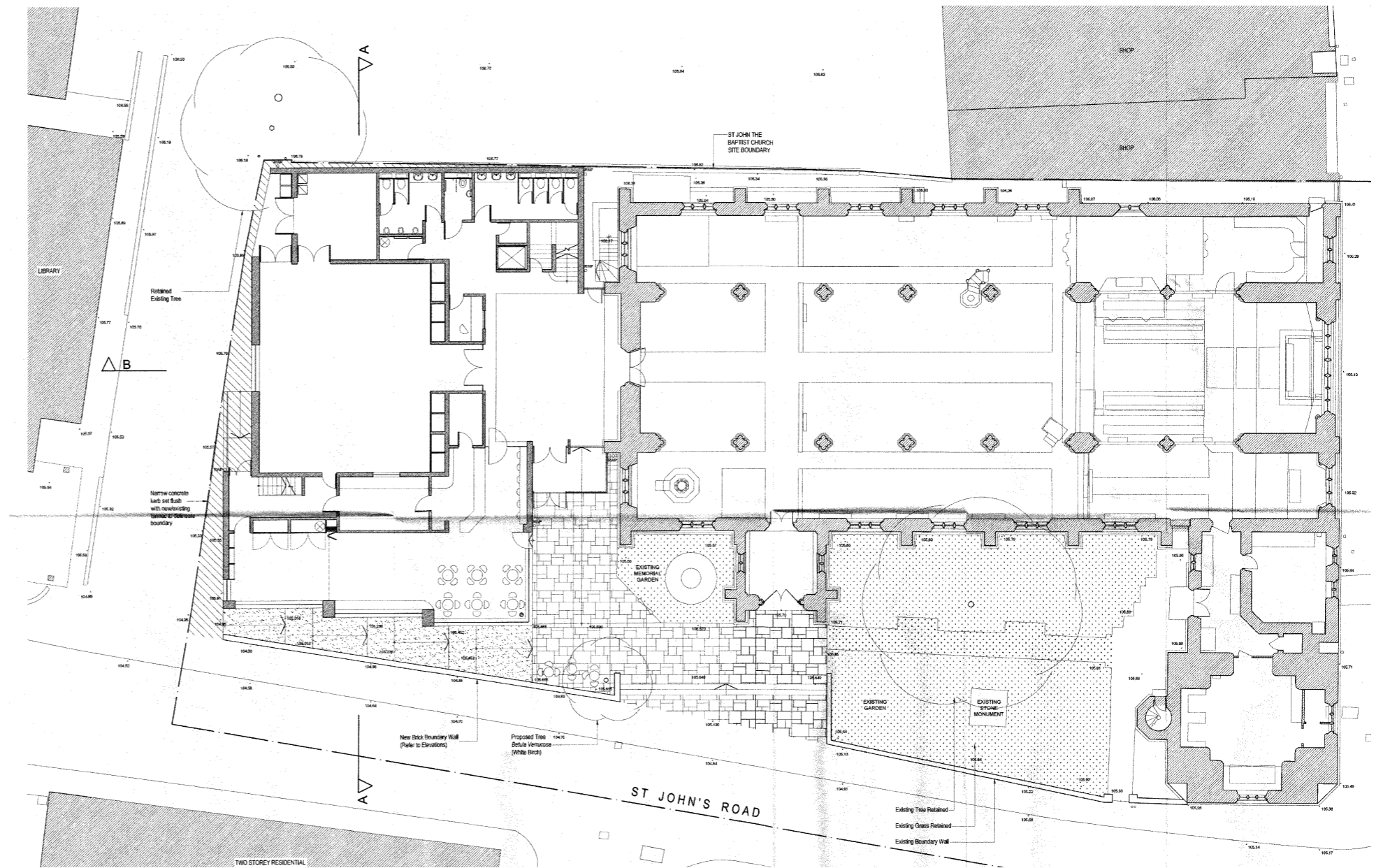


Figure 9 - Planning Approved Site Layout

Although this scheme was approved for planning, the scheme did not come to fruition due to the financial constraints and was concluded that by adding residential units could make the scheme financially feasible.

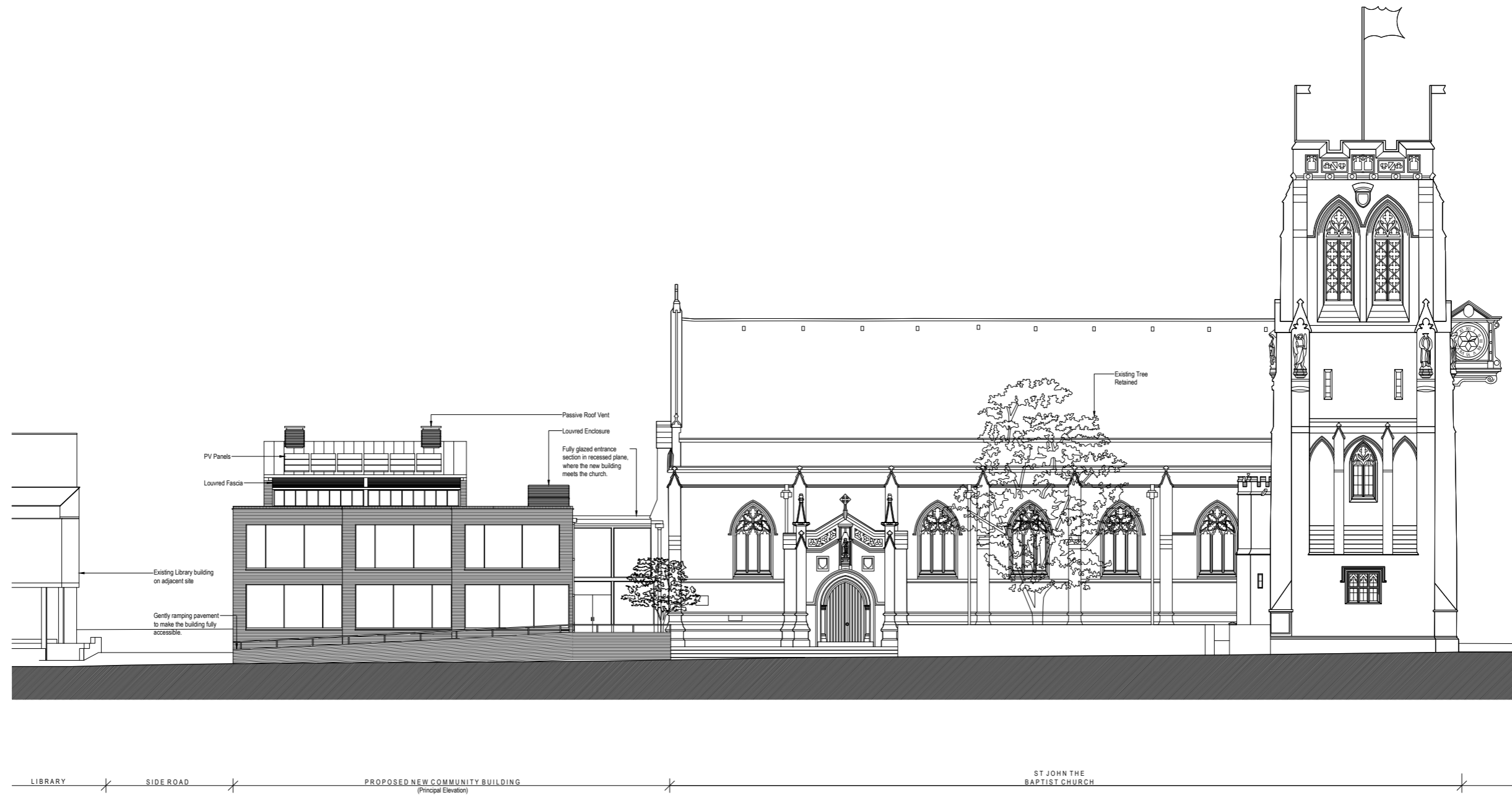


Figure 10 - Planning Approved Section of Proposed Community Space

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# 2

## DESIGN CRITERIA

### Design Criteria

- 2.1 Site Analysis
- 2.2 Opportunities and Constraints
- 2.3 Relevant Policies



KEY

- - - Site Boundary
- Site Entrance
- Trees to be Retained
- Trees to be Removed
- Listed Building
- Locally Listed
- Townscape Importance
- Other Surrounding Buildings
- - - Sun Path
- 2. Storey Heights

Figure 11 - Site Analysis

**Opportunities**

**Proximity to High Street**

Well-facilitated with access to public transport and retail stores. Vice versa, the proposed scheme can encourage public footfall in the town centre with the new Community Space facility.

**New Development proximity Masterplan**

The proximity of the potential masterplan development, connects the proposed scheme with the spaces it provides.

'Protection of historic buildings', 'respecting the historic scale of the area' and 'high quality public spaces' were key responses during a public community consultation held in St John the Baptist Church in 2012, points the proposed scheme aims to achieve.

**Listed Buildings**

The listed buildings can potentially impact the proposed aesthetic and design in order to maintain the existing context.

**Trees**  
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The existing trees highlighted in the site analysis plan, provide a natural buffer between the proposed scheme and road plus surrounding buildings.

**Constraints**

**Listed Buildings**

The nearby Listed buildings can be seen as an opportunity to showcase what successful architectural design can achieve; one that fits within the context of the existing design and palette whilst providing clear contrast and modernity.

**Trees**

Inversely from the opportunity the existing trees present; those highlighted in the site analysis plan will have to be removed to accommodate the proposed scheme.

**Archaeology**

The site will require archaeological investigation through site excavation prior to construction commencing.

**Height**

The height of the proposed scheme will need to be restrained to avoid dominating the existing church and surrounding buildings.

**OPPORTUNITIES**



**PROXIMITY TO HIGH STREET**



**NEW DEVELOPMENT PROXIMITY MASTERPLAN**



**LISTED BUILDINGS**



**TREES**

**CONSTRAINTS**



**ARCHAEOLOGY**



**HEIGHT**

- KEY
- 1 Storey
  - 2 Storeys
  - 3 Storeys
  - 4+ Storeys



## 2.2 RELEVANT POLICIES

### Essex Parking Standards - Design and Good Practice

The preferred parking bays in the County of Essex are larger than standards, as shown in Figure below. This has been taken into consideration in the proposed parking bays.

#### Parking Bay Size

Preferred bay size for cars (Parallel parking bay length)	5.5m x 2.9m 6.0m
Minimum bay size (only used in exceptional circumstances)	5.0m x 2.5m
Notes:	
Minimum bay size for vans	7.5m x 3.5m*
Minimum bay size for HGVs:	
Articulated	17.0m x 3.5m
Rigid	12.0 x 3.5m

\* To allow for the trend of increasingly long vans (e.g. Mercedes-Benz Sprinter, up to 7345mm, Fort Transit, up to 6403mm)

Figure 12 - Essex Parking Standards - Parking Bay Size

### EFDC Waste and Recycling Provisions for New Residential & Business Developments - Good Practice Guide for Developers

Flat block developments are expected to incorporate into their design a designated compound for the storage of refuse and recycling bins, and they should be located no further than 30 metres from the entrance door. The following guide must be applied where communal facilities are used:

- Refuse: one 1,100 litre wheeled black Eurobin with black lid per every 7 flats
- Mixed Dry Recyclables: one 1,100 litre wheeled black Eurobin with blue lid per every 7 flats
- Compostable Kitchen Waste: one 180 litre black wheeled bin with a green lid for every 8 households

The width required to accommodate a refuse collection vehicle is 4.5 metres, and the access road must be capable of safely accommodate a vehicle weighing 32 tonnes.

Vehicle and Cycle Parking Standards for dwellinghouses (Use Class C3) are shown in table below:

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Use	Vehicle	Cycle	PTW	Disabled
	Minimum	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling*	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated
2+ bedroom	2 spaces per dwelling*			
Retirement developments (e.g. warden assisted independent living accommodation)	1 space per dwelling	1 space per 8 units (visitors)	2 PTW spaces and 1 space per 2 dwellings for mobility scooters	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated

Figure 13 - Essex Parking Standards - Requirements for Use Class C3

While the car parking requirements are more stricter, based on the ongoing new Local Plan, the Planning Authority has previously agreed reduced parking provision in several sites in the Borough within a distance of 1km.

**EFDC Draft New Local Plan**

Draft Policy H1 Housing Mix and Accommodation Types states that 'Developments will be permitted where the mix of market housing provides for all new homes to be accessible and adaptable as defined by the Building Regulation' (page 56). This category is M4(2) of the current approved Document.

**Building Regulations M4(2): Accessible and adaptable dwellings**

The proposed layouts will comply with the design criteria specified in Section 2 of the aforementioned document, the key design points have been highlighted below:

2.9- **APPROACH ROUTES:** communal parts of the approach route have a minimum clear width of 1200mm

2.14- **COMMUNAL ENTRANCES:** should provide a level external landing of 1500mm wide and 1500m long minimum, covered to a minimum width of 1200mm and depth of 900mm. The entrance door has a minimum clear opening width of 850mm, a minimum nib of 300mm to the leading edge of the door and a maximum depth reveal of 200mm. Door entry controls are mounted 900-1000mm above finished ground level and at least 300mm away from any projecting corner

2.20- **PRIVATE ENTRANCES:** should provide a level external landing with a minimum width and depth of 1200mm. The door has a minimum clear opening width of 850mm and a minimum 300mm nib to the leading edge, with a maximum reveal depth of 200mm

2.22- **INTERNAL HALL WIDTHS:** have a minimum clear width of 900mm, this might be greater depending on door clear opening widths and location of the doors - as shown in Figure below

2.24- **LIVING AREA:** glazing to the principal window starts a maximum of 850mm above floor level

Table 2.1 Minimum widths of corridors and passageways for a range of doorway widths	
Doorway clear opening width (mm)	Corridor clear passageway width
750 or wider	900 (when approached head on)
750	1200 (when approach is not head-on)
775	1050 (when approach is not head-on)
800	900 (when approach is not head-on)

Figure 14 - Minimum Corridor Widths - Building Regulations Part M

2.24- **KITCHEN:** provide a minimum 1200mm clear space in front and between all kitchen units and appliances

2.25- **BEDROOMS:** every bedroom provides a clear access route of a minimum 750mm wide from the doorway to the window and to one side of the bed. Every double bedroom provides the same size clear access route to the foot of the bed and additionally, the principal double bedroom provides as well a clear access zone to both sides

2.29- **BATHROOMS:** have to comply with the requirements shown in the examples of bathroom layouts below

2.30- **SERVICES AND CONTROLS:** all switches should be mounted between 1350mm and 1450mm above floor level, and sockets between 450mm and

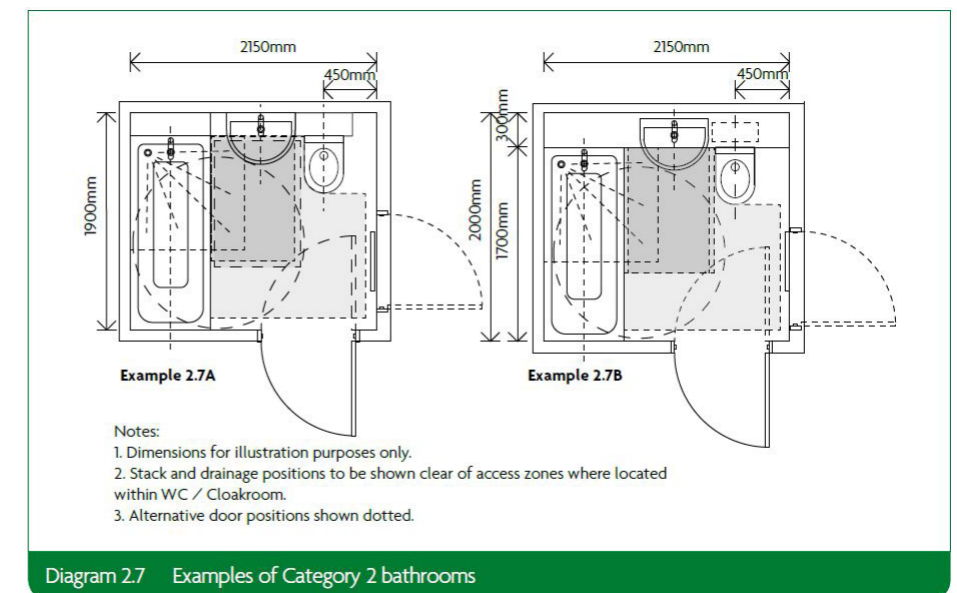


Figure 15 - Example of Category 2 Bathrooms - Building Regulations Part M

1200mm above floor level. The handle to at least one window in the principal living area is located between 450mm and 1200mm above floor level, and handles to all other windows are located between 450mm and 1400mm above floor level

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# 3

## PROPOSAL

### Proposal

- 3.1 Footprint and Access
- 3.2 Massing Sections
- 3.3 Conceptual Layouts - Floor Plans
- 3.4 Conceptual Layouts - Massing View
- 3.5 Precedents



### 3.1 FOOTPRINT AND ACCESS

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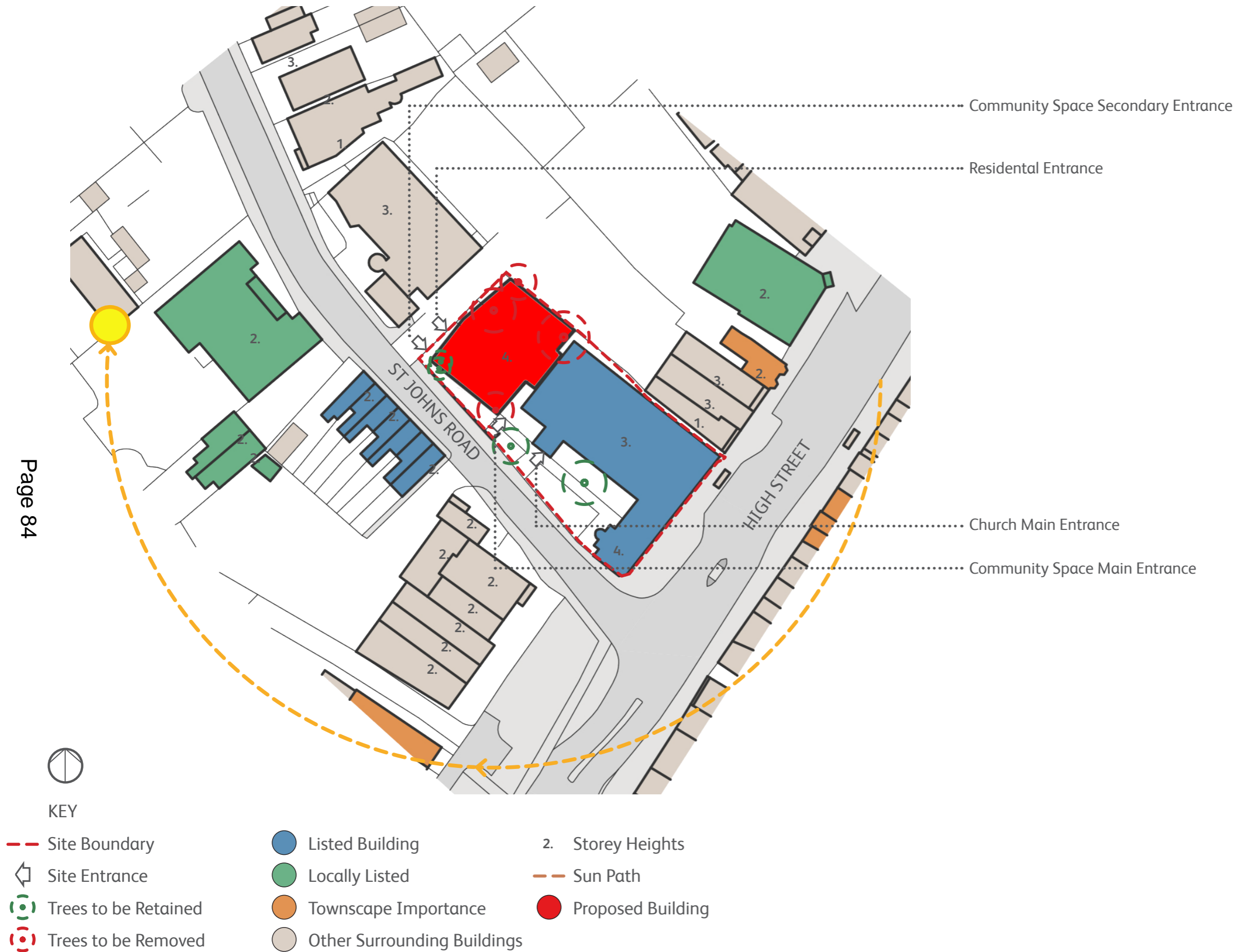
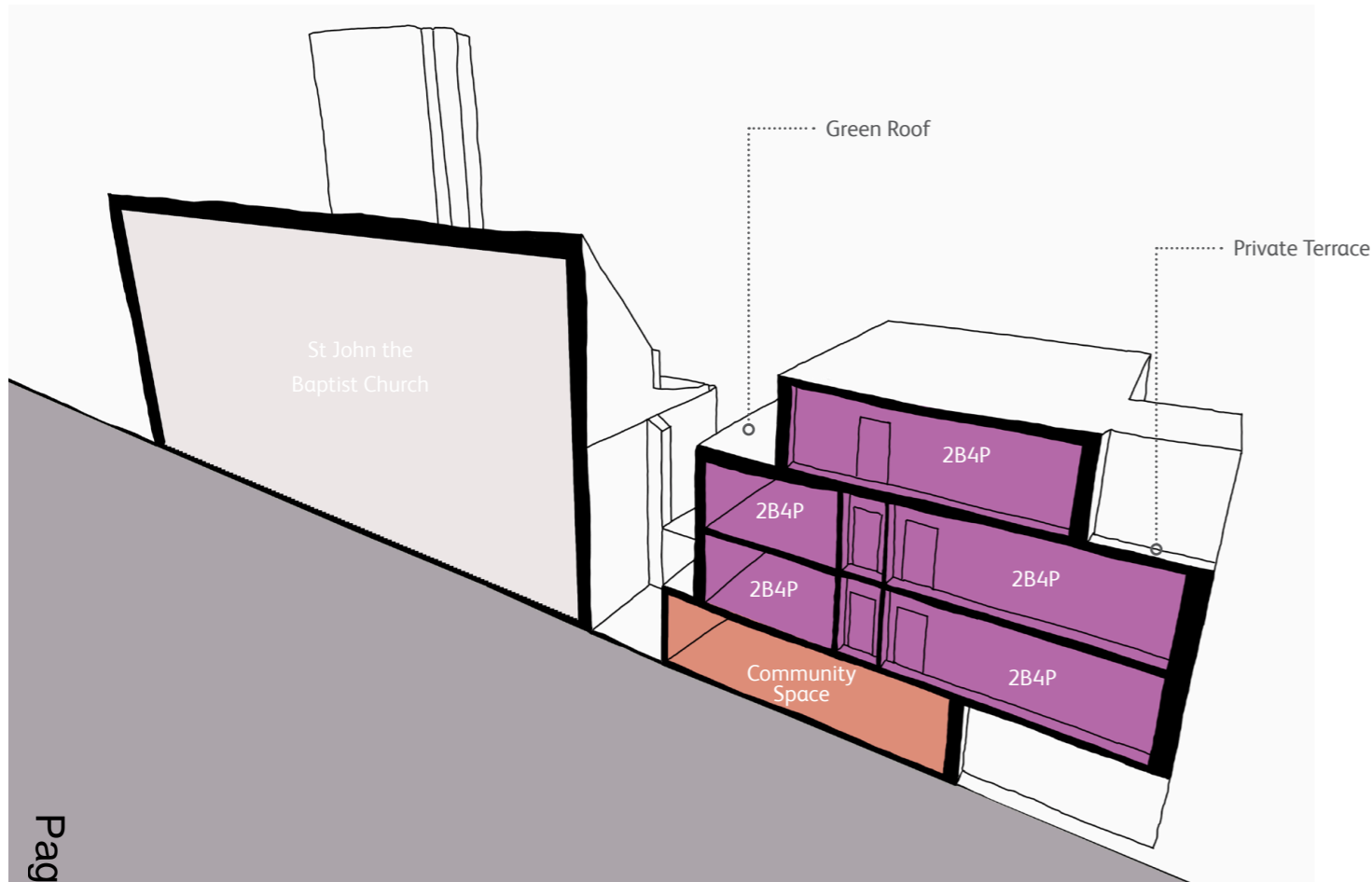


Figure 16 - Site Plan with Proposed Scheme





- KEY
- Community Space
  - 2B4P

Figure 17 - 3D Section showing the Relationship of the Proposal with St John the Baptist Church

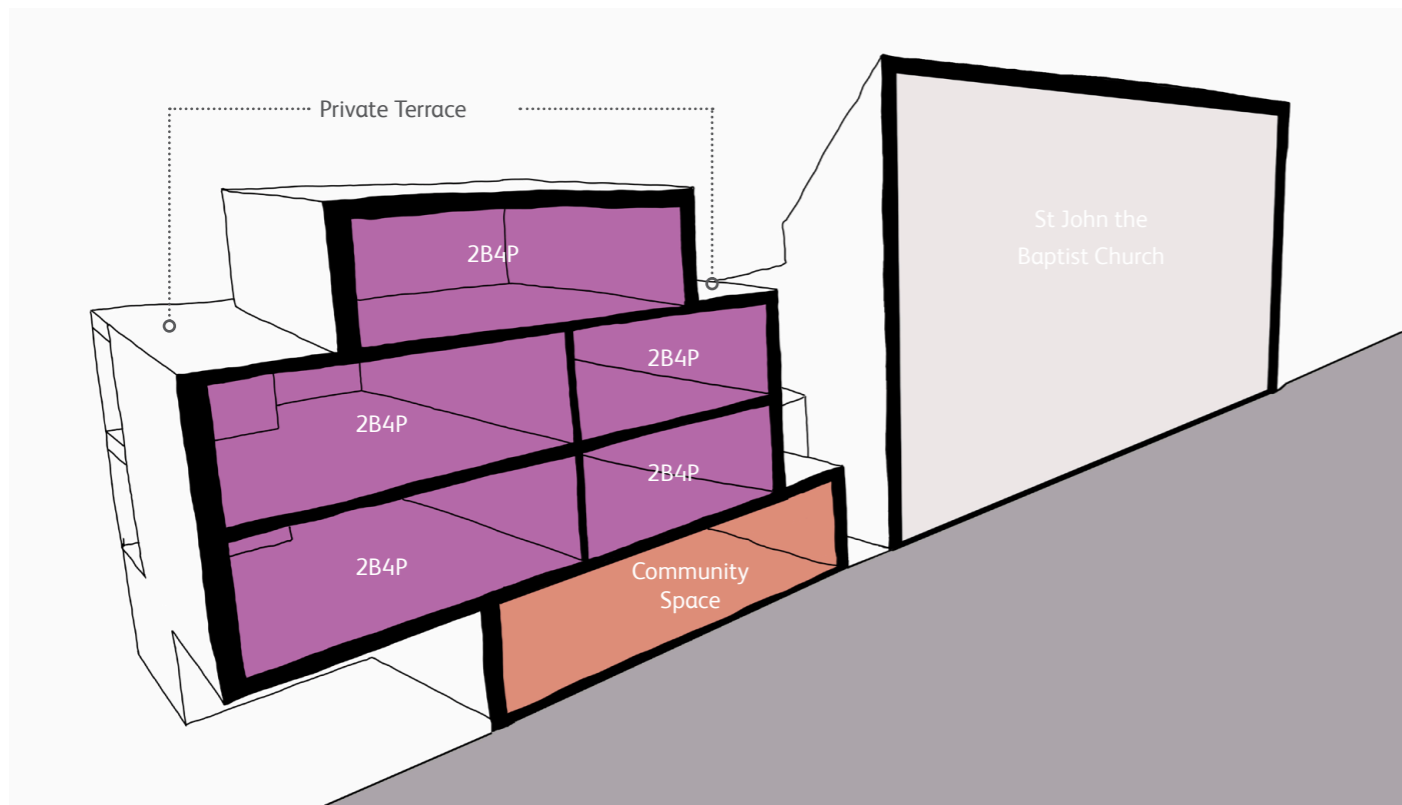


Figure 18 - 3D Section showing the Relationship of the Proposal with St John the Baptist Church

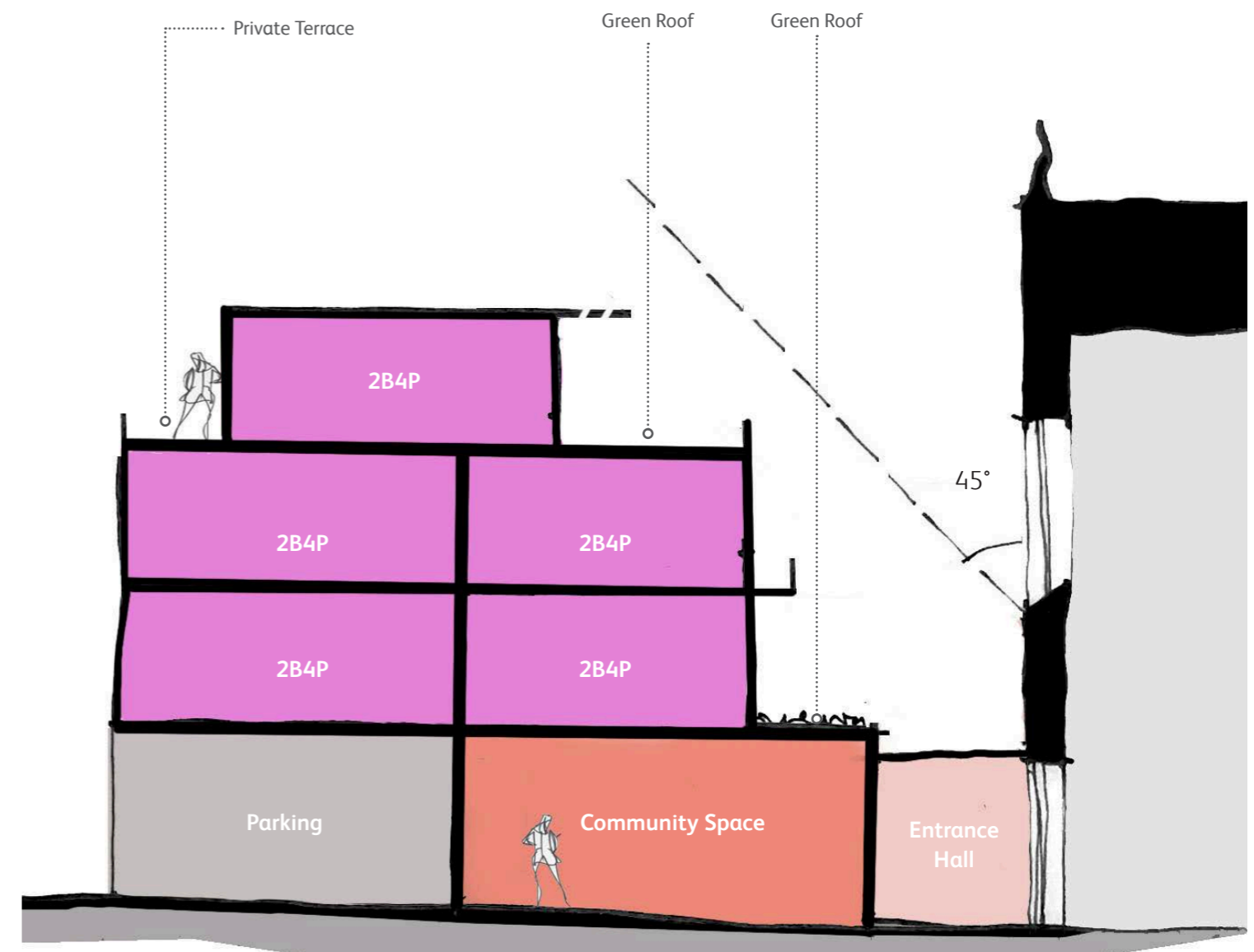


Figure 19 - 2D Section showing the Relationship of the Proposal with St John the Baptist Church

### 3.3 CONCEPTUAL LAYOUTS - FLOOR PLAN

#### OVERVIEW

The key consideration informing the proposal was to maximise the number of residential units in a building suitable for the context. To do so, a three residential storeys have been proposed accommodating a total of 10 flats.

The proposal comprises a four storey building with a Community Space on the ground level and flats on the three storeys above. The upper floors follow the 45o rule to minimise the impact on the existing church daylight.

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Unit Size	Quantity	Min. Area m <sup>2</sup>	%
1B2P	3	50	30%
2B4P	7	70	70%
<b>Total</b>	<b>10 dwellings</b>		

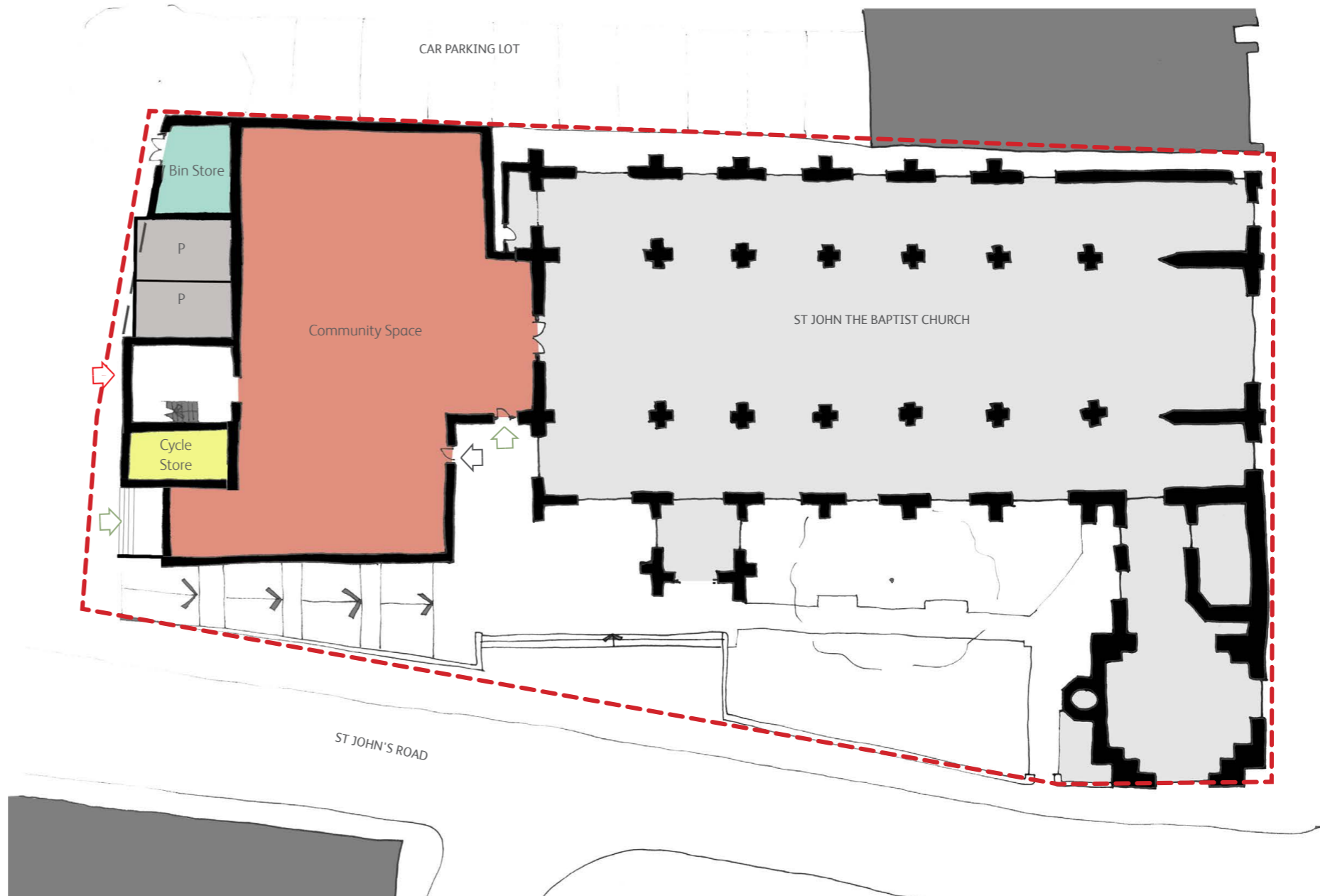
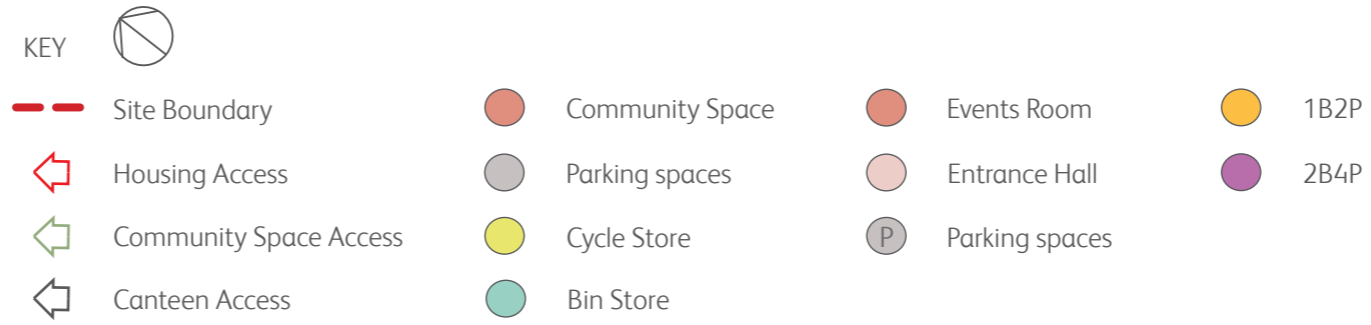


Figure 20 - Proposed Site Plan

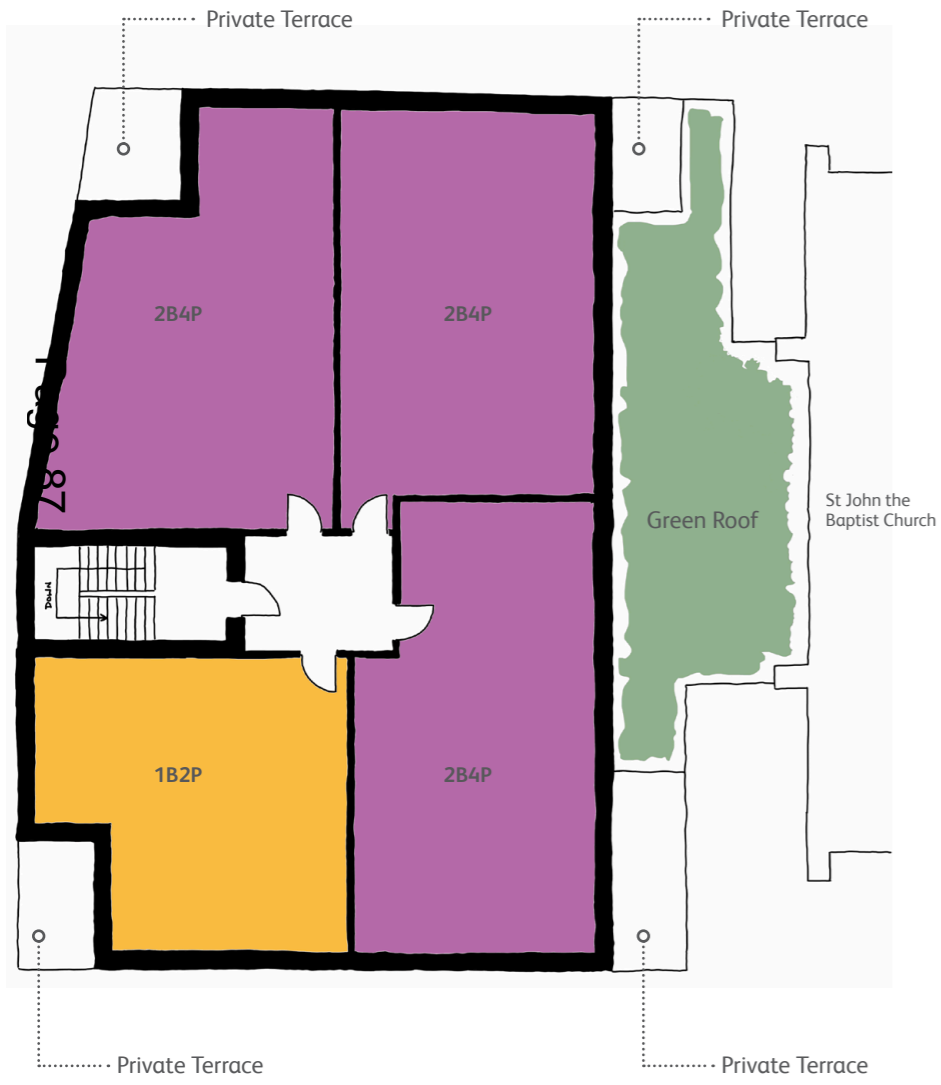


Figure 21 - Proposed First Floor



Figure 22 - Proposed Second Floor



Figure 23 - Proposed C Third Floor



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Figure 24 - View coming from St Johns Road to High Street



**Figure 24** aims to demonstrate the massing of the proposed scheme and how it is seen when approaching Epping High Street from St Johns Road.

The 4th floor is set back from the lower floorplate footprint to reduce the density and mass.

On the Ground Floor, large glazing panels are proposed to encourage the visual transparency into the Community Space.

**Figure 25** highlights how the proposed scheme is seen when approaching St Johns Road directly off the roundabout from Epping High Street. This viewpoint highlights the prominence the scheme has and can be taken advantage of to potentially encourage public footfall to the Community Space and church.

The height of the scheme is clear but inkeeping with the surrounding context, primarily being lower than the nave/longer section of the church so that it does not dominate the existing context.

The connecting foyer/walkway between the existing church and the proposed Community Space on the ground floor can be seen in **Figure 26**.

The setback of the connecting foyer, reduces the visual impact caused to the existing church, additionally proposing glazing assists this creating transparency.

A green roof is proposed on top of the foyer to help create the buffer also and fit with the surrounding greenery and trees on the site.



Figure 25 - View coming from High Street to St Johns Road



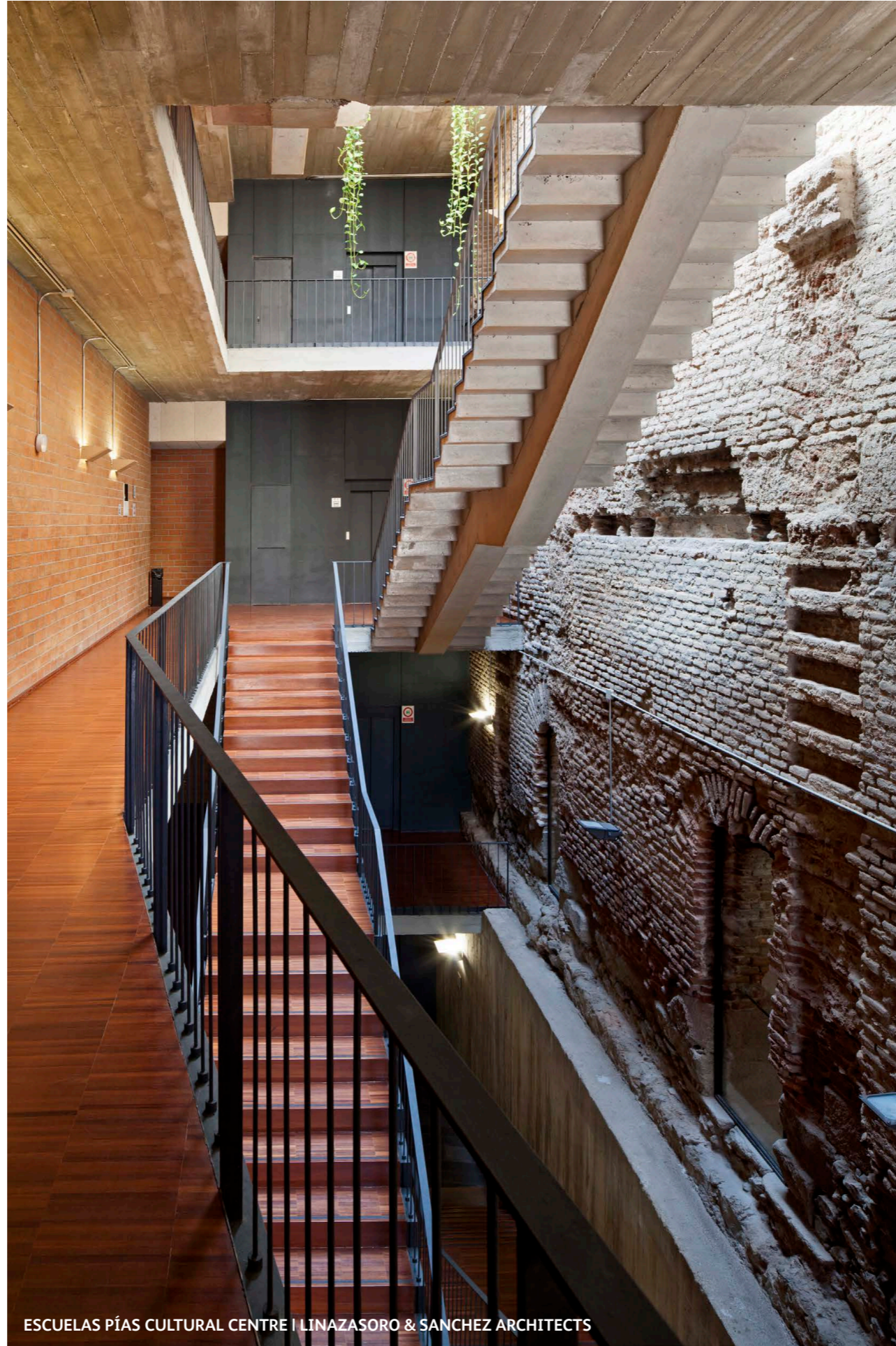
Figure 26 - Proposed Glazed Facade GF connection between existing Church and Proposed Community Space



ST MARY AT THE QUAY | MOLYNEUX KERR ARCHITECTS



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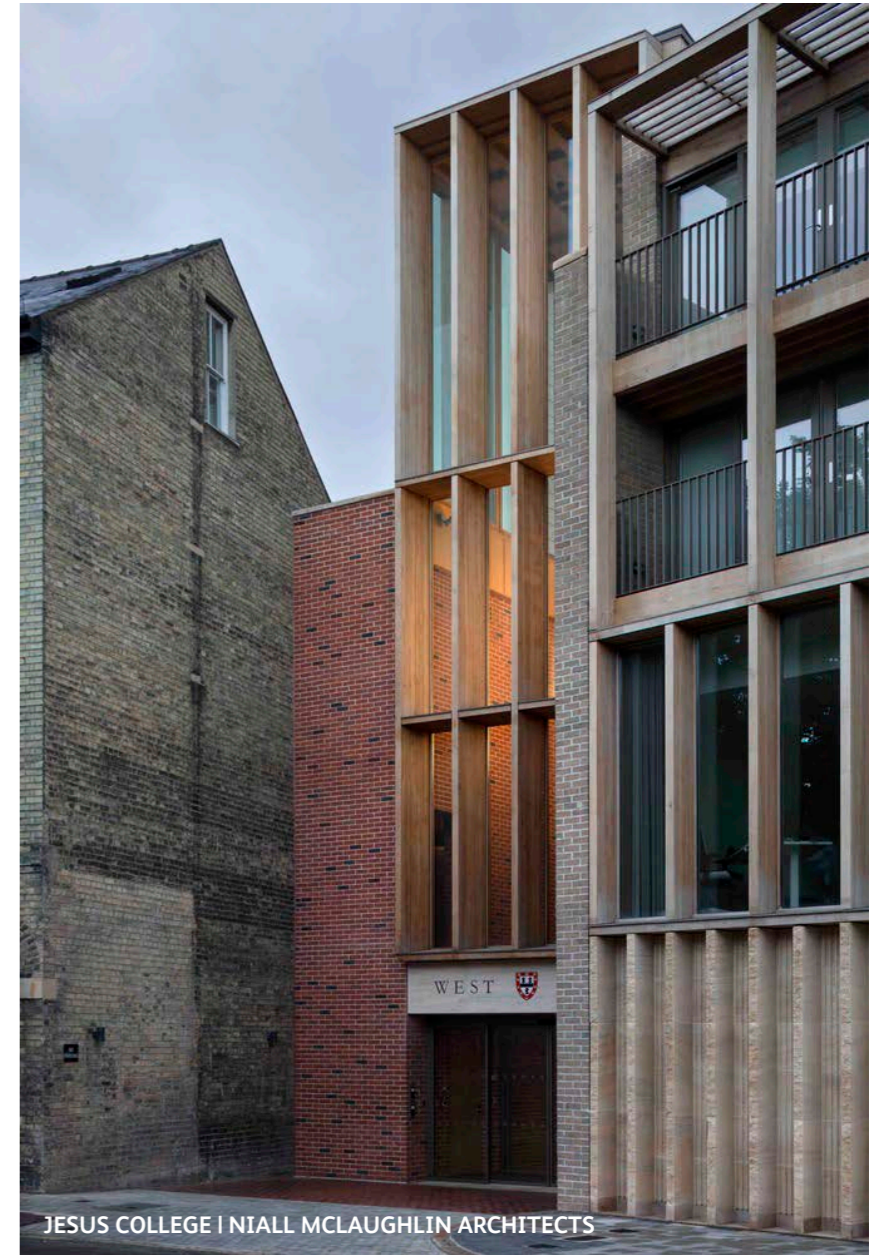


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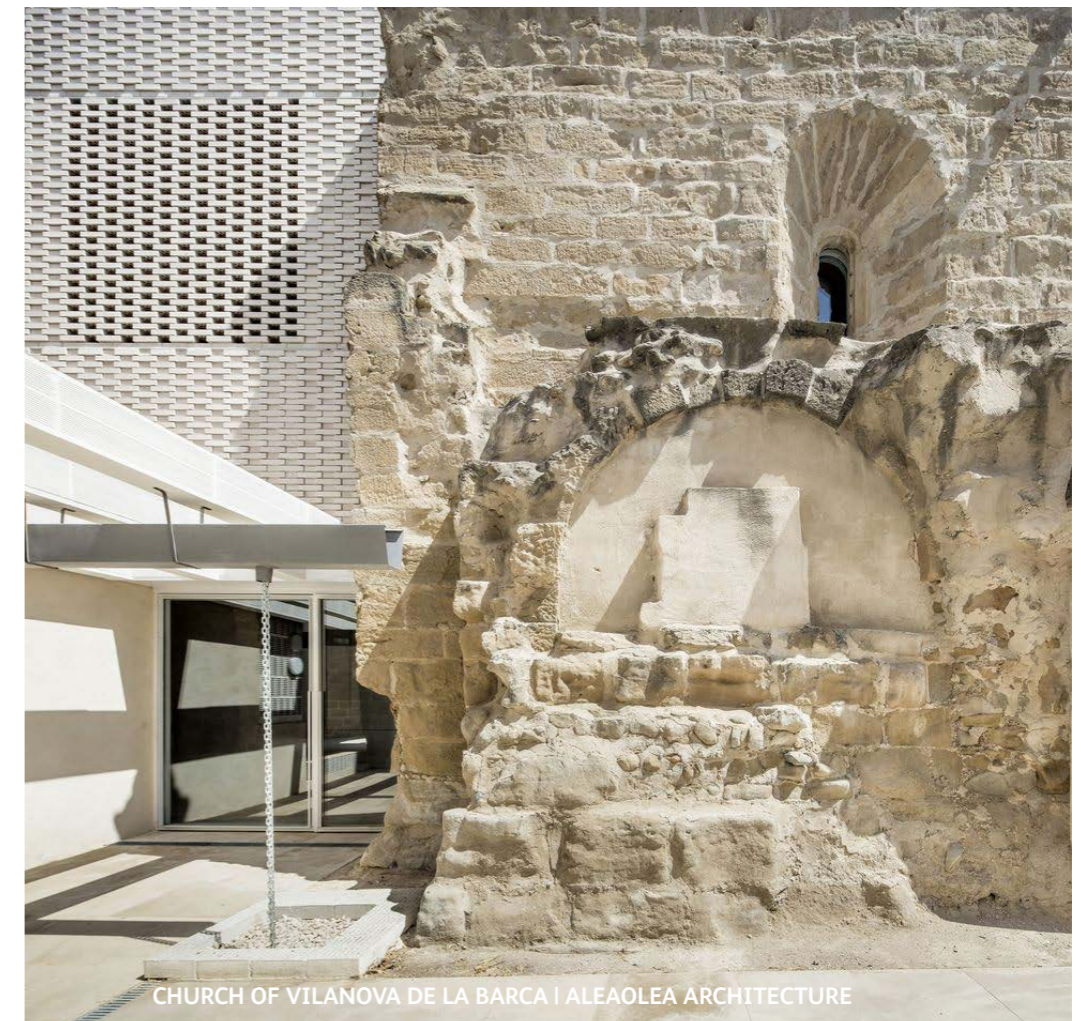
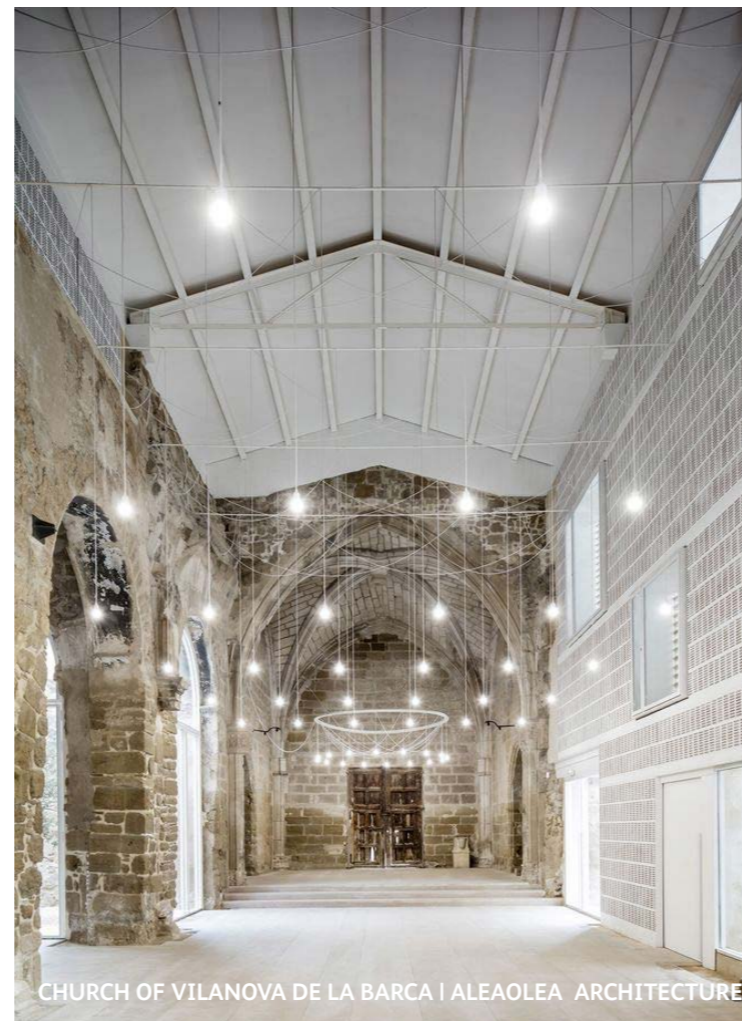


ST MARY AT THE QUAY | MOLYNEUX KERR ARCHITECTS



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## **Report to the Cabinet**

**Report reference:** C-045-2020/21  
**Date of meeting:** 03 December  
2020



**Epping Forest  
District Council**

**Portfolio:** Environment and Technical – Cllr N Avey  
**Subject:** Covid-19 Development Projects – Local Business Suppliers /  
Procurement Strategy and Rules  
**Responsible Officer:** Shane McNamara (01992 564331).  
**Democratic Services:** Adrian Hendry (01992 564246).

---

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

- (1) To agree the updated Procurement Strategy for 2021 – 26 which supports the Council objectives under Covid-19 Development Projects to become effective from 01 January 2021; and**
- (2) To agree the updated Procurement Rules, that will come into effect from 01 January 2021.**

### **Executive Summary:**

The current Procurement Strategy is required to be renewed from January 2021, and as such an updated version is required. The strategy has been updated to reflect how Procurement can support the delivery of the Council's Corporate Objectives and Covid-19 recovery plan.

To help support the recovery plan, we have undertaken the following:

- The Procurement Strategy has been updated to increase number of local suppliers that must be invited to tender, and to agree to pay local suppliers faster.
- Social Value and Sustainability evaluation criteria will now be used wherever possible in procurement exercises to maximise the benefits to the district and ensure sustainable practices throughout our supply chains.
- A Social Value template has been created which will measure contractors on elements such as locality of their business, their supply chains, their workforce and any other benefits they can bring to the district.
- EFDC's Procurement Rules have been updated to ensure these changes are adopted into our everyday practices.
- A Procurement Checklist has been created to help officers with a step by step, tick off guide to ensure they are including all relevant steps throughout the process.
- Training will be run by the Procurement and Contract Development Team throughout January and February for officers to ensure awareness across EFDC of the updates.
- We are working with Economic Development to offer EFDC Procurement support to Local Businesses through Meet the Buyer days or similar events, which will help to inform local businesses of our processes and help them to bid more successfully for EFDC business.

The Procurement Rules have been in effect since April 2018 and required an update to support the Council's new Procurement Strategy, and to ensure that the rules are aligned with the Strategy and help the Council to achieve its objectives. The Council is making changes to its approach to procurement, to recognise the broader economic and well-being impact of existing local businesses and attract new businesses to the District. The new procurement strategy and rules require a minimum of two local suppliers to be invited to tender wherever possible and a commitment to make faster payments to local suppliers (21 days instead of the mandatory 30). The latest spend analysis that was conducted on EFDC's 2018/19 data showed that while 57% of our spend was with Small and Medium Enterprises (SME's), only 6% of our spend was with businesses based in the Epping Forest District and these changes will help to try to increase that figure and make it more attractive and accessible for local business to work with us.

The new procurement strategy includes the use of Social Value, to enable bidders to be explicit in the provision of local job opportunities, apprenticeships and community benefits as part of their tender. A Sustainability-focused evaluation criteria has also been developed when assessing tenders to maximise the benefit to the District and its local businesses and communities.

Training and guidance are being developed to help contracting officers in procuring and managing contracts. This will include templates, checklists, examples of good practice and suggested structures for supplier meetings to ensure they are performing to the agreed standards set out when the contract was entered into, and that the Council gets maximum value and benefit.

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

To update the current Procurement Strategy and accompanying Procurement Rules in line with current best practice and use the opportunity to incorporate Covid-19 Development Project aims.

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

To let the Strategy expire and not replace it, this would mean there is no high-level strategic direction to the Council's purchasing and will drastically reduce the likelihood of achieving value for money and providing good quality services to our residents.

To leave the Procurement Rules as they are, this would not be a viable option as the rules would not be in alignment with our Corporate Objectives and Covid-19 recovery plan, thus making the achievement of those objectives much more difficult.

#### **Report:**

1. Epping Forest District Council will continue its policy of using best practice procurement approaches and processes. This will assist in the delivery of high-quality services to support strategic priorities at good value for money.
2. The Procurement Strategy (Appendix 1) supports the Council's Corporate Objectives and Covid-19 recovery plan. At a general level, procurement of goods and services assists in delivering the Council's strategic objectives and statutory responsibilities. At a specific level, this procurement strategy is designed to support the Council's objectives of:
  - Ensuring that the Council has appropriate resources, on an ongoing basis, to fund its

statutory duties and appropriate discretionary services while continuing to keep Council Tax low.

- Ensuring the Council adopts a modern approach to the delivery of its services and that they are efficient, effective and fit for purpose.
3. New policies have been introduced into the Strategy to help achieve specific outcomes, in particular to attempt to encourage local suppliers to participate in tender opportunities by increasing the minimum number invited to all EFDC tenders, to be more sustainable by setting specific evaluation criteria to afford weighting to sustainable practices / supply chains, and to look to generate additional benefit to the district through Social Value evaluation criteria, prioritising what social value the bidders can offer, ranging from creation of jobs and / or apprenticeships in the local area, or funding to benefit local communities (a draft social value proforma is included in Appendix 3).
  4. In order to support this Procurement Rules (Appendix 2) have been updated to make them easier to follow; they have been updated to reflect the Council's new organisational structure, and processes have been reviewed and amended to ensure they are effective while still retaining control of the Council's Procurement processes. Tender rules have been amended and all tenders are now conducted electronically, they will be opened centrally by the Procurement and Contract Development Team, waivers will be approved by the level of officer who is permitted to accept tenders at that value and financial thresholds have been updated to try to align them more closely with the Council's Decision Making Accountability (DMA) guidelines.
  5. A Procurement Checklist has been created to guide and help contracting officers through the Procurement process by following a stepped process to ensure they have considered all relevant factors before proceeding. The completion of this checklist will be mandatory for all tender processes and will help to ensure all contracting officers are aware of the Strategy and are adhering to Rules.
  6. Following the adoption of the Strategy and Rules, the Procurement and Contract Development Team will run a training programme to raise awareness of the changes that have been made and the support documents that are available, such as the Procurement Checklist. The training will start in January and will be offered to staff at all levels of the authority to provide the opportunity to go through the new documents in details and ask questions. Processes for Business Support Finance, such as use of Marketplace and Accounts Payable, will be included in this training to ensure the whole Procurement cycle is covered.
  7. Although not expressly mentioned in the Procurement Strategy and Rules, it has been highlighted that Contract Management can get complacent. The Procurement and Contract Development Team will develop further training and guidance that will help contracting officers with the ongoing management of contracts. This will include templates and suggested structures for supplier meetings, performance monitoring, change management and dispute resolution etc.

#### **Resource Implications:**

There are no direct resource implications for this report. It is an officer view that a robust strategy and rules will lead to greater value being derived from our Procurement exercises, sometimes through Social Value and Sustainable practices and through cost savings where possible.

EFDC expects to spend approximately £18.5m with contractors in 2020/21, and it is vital that

we use those funds as efficiently and effectively as possible.

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

The United Kingdom is still in the process of transitioning out of the EU, and as such we are still subject to EU Procurement Law at the present time. It is envisaged that we will continue to be subject to these laws after January 2021, when the UK officially leaves the EU, and therefore our Procurement Rules still make mention of the EU Procurement Law and the applicable financial thresholds at which they apply. Should the situation change in the future, the Council will amend Procurement Rules accordingly.

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

Climate change and sustainability are big drivers for the updating of the Strategy and Rules, and we are seeking to include Sustainability criteria wherever possible for our future procurement exercises to ensure our suppliers are operating sustainably and environmentally friendly.

### **Consultation Undertaken:**

Procurement and Contract Development Team  
Procurement and Contracts Working Party  
Accountancy  
Climate Change Officer  
Economic Development Specialist Officer  
Leadership Team

### **Background Papers:**

Procurement Strategy 2021-2026  
Procurement Rules  
Procurement Checklist  
Social Value Proforma for EFDC

### **Risk Management:**

If procurement is not co-ordinated and controlled, it is unlikely that the Council will achieve value for money.

Failure to comply with the EU Procurement Regulations could result in the UK High Court preventing the award of a contract and/or awarding damages to any supplier who has suffered loss or damage as a result of any breach in the regulations, as well as imposing fines on the authority.

# 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: Contracts and Technical

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

Title of policy or decision: Procurement Strategy and Rules

Officer completing the EqlA: Tel: 01992564331 Email: smcnamara@eppingforestdc.gov.uk

Date of completing the assessment: 13.10.2020

## 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? Change to existing policies
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): To renew and update the Council's Procurement Strategy and Procurement Rules</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? To put a clear strategy and rules in place to enable Procurement to contribute towards the Council's objectives.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>The policy affects EFDC Staff who procure on its behalf.</p> <p>Will the policy or decision influence how organisations operate? No.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>
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? The Procurement Strategy is designed to put measures and processes in place to help achieve the Council's Corporate Objectives and Covid Recovery Plan.</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).

3.1	What does the information tell you about those groups identified? N/A
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? Yes, the policies have been discussed at Leadership Team and at the Procurement and Contracts Working Party, and have been accepted and agreed.
3.3	If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: This is an internal policy that will not affect communities directly.

## Section 4: Impact of policy or decision

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

<b>Description of impact</b>	<b>Nature of impact</b> Positive, neutral, adverse (explain why)	<b>Extent of impact</b> Low, medium, high (use L, M or H)
Age	N/A	N/A
Disability	N/A	N/A
Gender	N/A	N/A
Gender reassignment	N/A	N/A
Marriage/civil partnership	N/A	N/A
Pregnancy/maternity	N/A	N/A
Race	N/A	N/A
Religion/belief	N/A	N/A
Sexual orientation	N/A	N/A



## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	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.

**Section 7: Sign off**

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

Signature of Head of Service:

Date:

Signature of person completing the EqIA: Shane McNamara

Date: 27.10.2020

**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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# **Epping Forest District Council**

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**Procurement Strategy**

**2021 - 2026**

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## INTRODUCTION

Procurement is much more than a narrowly based technical issue. 'Procurement' is the process of acquiring goods, works and services, covering acquisitions from third parties, partnering and from in-house providers. The process spans the whole life cycle from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves options appraisal and the critical 'make or buy' decision which may result in the provision of services in-house in appropriate circumstances.

The Procurement Strategy sets out the Council's procurement objectives and principles and describes the contribution that effective procurement will make to the achievement of Epping Forest District Council's vision and corporate priorities. The strategy is supported by an annual action plan and the Council's Procurement Rules.

## SUPPORTING THE DELIVERY OF THE COUNCIL PLAN

The Procurement Strategy supports the Council's Corporate Plan. At a general level, procurement of goods and services assists in delivering the Council's strategic objectives and statutory responsibilities. At a specific level, this procurement strategy is designed to support the Council's objectives of:

- Ensuring that the Council has appropriate resources, on an ongoing basis, to fund its statutory duties and appropriate discretionary services.
- Ensuring the Council adopts a modern approach to the delivery of its services and that they are efficient, effective and fit for purpose.

It also supports the Council:

- To respond to issues of deprivation in the district: through promoting a consistent approach to equality and diversity and reducing inequality in the provision of services and through requiring and promoting good practice in equality and diversity in the employment and contracting practices of suppliers and partners.
- To maintain and improve the links between the Council, local town centres and the business community: through, to the extent that the EU Procurement Directives, collaborative procurement and value for money allow, sourcing appropriate goods and services through local businesses and promoting the development of local businesses by making the Council easier to do business with.

### Other influences on the strategy

A number of external influences have been taken into account in the preparation of this strategy, including:

- Delivering Value for Money as measured through the annual assessment by the Council's external auditors;
- The Council's duty to promote equality of opportunity in line with the public sector equality guidance.

A number of internal drivers have also been taken into account in the strategy, including:

- The Medium-Term Financial Strategy and Budget 2020/21, which set the framework for a balanced budget over the medium term. Delivering these forecasts will require, amongst other things, delivering real efficiencies, including through improved procurement and sourcing decisions and through improved procurement processes and financial controls.
- The Council's Climate Change Strategy is directed towards reducing the Council's carbon footprint and has included a specific action to update the Procurement Strategy for the inclusion of green and local issues.

The key legislative requirements are set out in:

- Public Contract Regulations 2015
- Equalities Duty Act (2010)
- Localism Act (2011) including Community Right to Bid and Community Right to Challenge
- Public Services (Social Value) Act (2012)
- National Procurement Strategy (2015)



## RESPONSIBILITIES

### Service Director – Contracts and Technical

As the officer “Procurement Champion” the Service Director is responsible for the updating and maintenance of this strategy and the supporting processes.

The Procurement Champion is responsible for ensuring:

- The strategy is in place, reviewed and updated on a regular basis;
- The strategy is communicated to Directors for implementation;
- The implementation of the strategy to the extent that it mandates compliance with processes and procedures is monitored across services and that an effective reporting system is in place to report breaches or weaknesses to the Finance and Performance Management Cabinet Committee;
- The provision of reports on the effectiveness of the strategy, the performance during the year and any recommendations for improvement to the Finance and Performance Management Cabinet Committee.

### Service Directors / Service Managers

Service Directors and Service Managers are responsible for ensuring that the compliance requirements of the strategy are effectively communicated to their directorates, that the strategy is followed within their directorates and to participate fully in the development and execution of the strategy.

Service Directors are also responsible for ensuring that the provisions of the Constitution regarding Procurement Rules and Financial Regulations are effectively implemented and monitored within their directorates. There is a requirement to have procurement as a standing item on the agenda for all Service Management Team Meetings.

### Officer Groups

The Procurement and Contracts Working Group is made up of Service Managers/Team Managers from each service and is chaired by the Procurement and Contract Development Team Manager. Meetings are held during the year to disseminate procurement policies and practices across the Council and achieve a more consistent and co-ordinated approach to procurement.

## THE STRATEGY

Epping Forest District Council will continue its policy of using best practice procurement approaches and processes. This will assist in the delivery of high-quality services to support strategic priorities at good value for money. Long term sustainability will also be promoted, as will the public duties to promote equality of opportunity both within the Council's operations and through the impact of its buying decisions, using effective selection and management of its relationships with its partners and supply chain.

### Essex Procurement Hub

Since October 2006, the Council has been a member of the Essex Procurement Hub, along with Braintree, Castle Point, Maldon and Rochford. The Hub is a group of procurement specialists who are employed by Braintree District Council to provide procurement expertise to the members that subscribe to the service. The Council will promote efficiency in its own processes and improve its impact in promoting change amongst partners and suppliers.

In 2019/20, EFDC's subscription fee for membership of the Hub was £58,420 – this cost was offset by rebates generated by usage of the Hub's frameworks, bringing the actual amount paid down to £30,000 for this extremely beneficial service (during the same period, savings in excess of £350,000 were made which enables more money to be put towards service improvement for the local community and keeping the District's Council Tax low).

### Partnership and Collaboration

As outlined earlier, the Council Corporate Plan recognises that the Council cannot deliver its objectives in isolation and that there is a need to work with other organisations to help improve efficiency and outcomes using the expertise of others. This may include collaboration, partnering and/or the use of consortia arrangements.

One example of this would be the Procurement Alliance for Essex (PAE). The PAE offers a strategic advice service for Essex local authorities. Our strategy is to use the PAE to help identify joint procurement opportunities and best practice procedures across the County.

The Essex Procurement Hub provides both the expertise to assist with individual member's procurement projects and the opportunity for collaboration in areas of mutual benefit. Before any framework contracts are let the requirements of all members are considered to ensure the widest possible relevance and greatest concentration of spending power. The Hub also provides advice on the use of framework contracts established by other purchasing consortia, such as those established by the Pro 5 group (ESPO, YPO, CBC & NEPO) or the [Crown Commercial Services](#).

### Regulatory Framework

Procurement has to work within a number of controls including EU legislation, the Chartered Institute of Purchasing & Supply's Code of Ethics and internal governance requirements. In addition, the Council has other policies which this strategy seeks to align with.

The key control over procurement activities is the Council's Procurement Rules as set out in the Constitution. These rules are set at levels to assist in achieving value for money and allow decision making at practical levels (summary provided at Appendix 1).

Our strategy is to ensure that our Procurement Rules remain relevant and ensure compliance with EU regulations. Failure to comply with EU regulations could result in contracts being ruled illegal and the Council being subject to significant fines. The Public Contract Regulations 2015 also incorporate the 2014 EU Procurement Regulations into UK Law, and it is vital that EFDC remains up to date and compliant with these regulations.

### Value for Money

A function of procurement is to achieve value for money. We will achieve this by:

- challenging the way things are done and the way services are provided
- by encouraging collaboration with other Essex Procurement Hub members and organisations such as the East of England Local Government Association (EELGA) and Crown Commercial Services (CCS) to take advantage of increased purchasing power
- taking into account the potential impact of a sustainable approach and balancing price with quality (by using 'whole life costs' for example)

### Local Suppliers

Epping Forest DC is committed to encouraging the use of local suppliers wherever possible to boost the local economy and to try to use our spend to create opportunities and added value in the local community, such as local job opportunities and apprenticeships.

Some of the actions we will take to try to achieve this are:

- Ensuring at least 2 local suppliers are invited to bid on all tender opportunities issued by Epping Forest District Council
- Using Social Value elements as evaluation criteria, to ensure greater value is generated for the local area through our spend.
- Ensuring that Local Suppliers are paid within 21 days of receipt of a valid and undisputed invoice, rather than the 30 days set out in the Public Contract Regulations 2015.

### Sustainability and Climate Change

The Procurement Strategy is designed to support the Council's efforts to reduce the Council's carbon footprint and environmental impact, aiming to be Carbon Neutral by 2030. The Council will use its procurement strategy to promote long-term sustainability in its own operations, reduce its carbon footprint through its own services and its supply chain, consistent with meeting value for money criteria.

There are a series of actions to support this approach:

- Include sustainability as a part of our quality evaluation criteria for all relevant projects.
- Look to use whole life costing as pricing evaluation criteria wherever possible, to consider the ongoing cost of a product to the Council instead of only purchase costs.
- Educate, train and encourage internal procurers and commissioners to review their consumption of goods/services, reduce usage and adopt more environmentally friendly alternative products
- Consider the costs and benefits of environmentally preferable goods/services as alternatives
- Investigate the impact of the Council's expenditure on goods and services, via purchase spend analysis, to identify potential environmental impacts
- Investigate opportunities for the recycling and re-use of materials where appropriate
- Assess the environmental and corporate risks to the organisation with a commitment to continually improving sustainable performance related to the supply chain
- Work in partnership with other organisations, such as buying consortia to improve sustainable procurement
- Ensure that, where appropriate, suppliers' environmental credentials are, as far as legally practicable, considered in the supplier evaluation process and that environmental and equality and diversity criteria are used in the award of contracts
- Ensure that consideration is given to inclusion, within all specifications, of a facility for suppliers to submit offers for environmentally friendly alternatives
- Specify, wherever possible and practicable, the use of environmentally friendly goods
- Aim to provide goods and services at best value to the Council
- Address barriers to entry to encourage Small and Medium Sized Enterprises (SMEs), local suppliers and the voluntary sector to bid for the Council's business
- Educate our suppliers regarding the Council's environmental, sustainability and equality and diversity objectives
- Encourage and persuade suppliers to adopt environmentally friendly processes and supply environmentally friendly goods/services
- Work with key suppliers to make changes and thereby extend sustainability improvements throughout the supply chain
- Comply with all relevant environmental, health & safety, equality and diversity, disability, race relations, social responsibility and employment legislation

### Forward Planning

Forward Planning, particularly of major expenditure, is essential to maximise the potential savings through efficient and effective procurement. Planning annual procurement activity in advance will enable officers to undertake procurement in a more structured manner, identify options and prepare properly.

Specifications should include measurable outputs or outcomes, performance standards or other appropriate measures by which the contract can be assessed.

To plan effectively it is essential to maintain and update where necessary a central Contract Register detailing all contracts in place and all future known procurements, both for renewal of existing period-based contracts and for new future requirements.

### Contract and Performance Management

Effective procurement is measured by the outcomes and not by the completion of the process. Contracts must be managed throughout their life to ensure that benefits identified in business cases are delivered. Regular review meetings with incumbent suppliers are crucial in ensuring that set Key Performance Indicators and Service Level Agreements are achieved and maintained.

The Council will expand the use of contract management and build on areas of current best practice. This will involve working closely with both the Essex Procurement Hub and the PAE.

Risk will be managed throughout the procurement cycle to ensure that risks are identified and managed by the most appropriate stakeholder. Risks will be added to service risk registers or the Corporate Risk Register where appropriate. All risks will be revisited at key milestones in the procurement process and throughout the life of the contract.

When suppliers and contractors handle information on behalf of Epping Forest District Council, then we will ensure where possible that equivalent processes are applied or seek to influence our supplier's and contractor's standards.

### e-Procurement

e-Procurement is a tool to enable procurement activities, including sourcing, ordering, commissioning, receipting and making payments for the whole spectrum of an authority's activities. Epping Forest District Council uses the BiP Delta e-Sourcing System to manage its Procurement activities, from issuing, receiving and awarding tenders to ongoing management of its Contract Register. Technology can be used to achieve efficiencies in the procure-to-pay cycle including reduction in cycle time and reduction in transaction costs. This will free resources that can be directed into front line services. The Council also uses an electronic procurement system, the Proactis Marketplace system, to place purchase orders.

### e-Invoicing

Epping Forest District Council has been using the e-invoicing system provided by Proactis since 2016, and now has a large number of suppliers and invoices being processed via this method. Using e-invoicing is a more efficient and automated process, which in turn leads to reduced cost to the Council of invoice processing.

**ACTION PLAN**

An annual action plan for procurement will be produced. This will set out the key work areas and provide a set of measurable targets for the coming year. Progress against those key work areas is monitored regularly in conjunction with the Essex Procurement Hub. The current action plan is attached at Appendix 2.

**APPENDIX 1****THE PROCEDURAL RULES GOVERNING PROCUREMENT**

The Constitution provides guidance on the commissioning of goods and services and is managed through the Procurement Rules and Financial Regulations. Officers are required to adhere to these rules when purchasing on behalf of the Council.

Broadly the guidelines can be summarised as follows:

1. A buyer identifies the need to purchase goods/services.
2. Before any tender is conducted or order placed, a budget needs to be approved, following Financial Regulations.
3. Once a budget has been determined, current contracts and frameworks in place should be reviewed to determine whether a supplier is already available. If in any doubt the buyer should check with the Procurement and Contract Development Team.
4. If yes, then the Marketplace Purchase Order Process is followed.
5. If no contract or framework is available then the buyer will need to follow the Procurement Rules, which state an informal process is permitted up to £25k, and a tender process should be undertaken with a minimum of three suppliers invited for any spend over £25k, or conducting a full EU tender process (spend on Goods or Services over 4 years of over £189,330 or Works of over £4,733,252 at January 2020 values).
6. All contract spend should be assessed on a lifetime value basis.
7. Once a contract or framework is in place, buyers should follow the Purchase Order Process to secure the order and record the financial transactions correctly.

ACTION PLAN

Action	Outcome	Lead Officer	Target Date
Continued maintenance of data on the Corporate Contracts Register.	Better planning and co-ordination of procurement activities.	Team Manager – Procurement and Contract Development	Ongoing
Continue to hold Procurement and Contract Working Party meetings.	To disseminate procurement policies and practices across the Council and achieve a more consistent and co-ordinated approach to procurement.	Service Manager - Contracts	Ongoing
Ensure use of Procurement Checklist for all procurement processes, and maintain and update the Checklist on a regular basis.	Greater compliance with Procurement Rules, Financial Regulations and all relevant Procurement Regulations.	Team Manager – Procurement and Contract Development	Ongoing
Review Procurement Rules to ensure they are up to date and fit for purpose.	Updated Contract Procedure Rules in the Constitution. Publicised to staff within Council.	Service Director – Contracts and Technical	January 2021
To encourage use of the Essex Procurement Hub where possible.	Ensuring best value is being obtained in the Council's procurement activities.	Service Manager – Contracts  Team Manager – Procurement and Contract Development	Ongoing



### APPENDIX 3: Glossary of commonly used procurement terms and acronyms

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**Best Value:** Often defined as ‘value for money’, Best Value is the optimum combination of whole life costs and quality to meet the customer’s requirement.

**Collaboration:** In this context, public sector organisations that engage in a joint procurement for works, services or supplies with the intention of obtaining better value for money through economies of scale and reduced tendering costs.

**Commissioning:** Commissioning is a broad concept and there are many definitions, the following definition from the Audit Commission perhaps best captures the key elements of the commissioning tasks: “*Commissioning is the process of specifying, securing and monitoring services to meet people’s needs at a strategic level*”.

**Competitive Tendering:** Awarding contracts following a process of obtaining competing tenders.

**Contract:** A binding agreement between two or more parties that is enforceable in law.

**Contract Management:** The activities of a buyer before, during and after a contract period to ensure that all parties to the contract fulfil their contractual obligations. An important aspect of this is managing the relationships between all parties in the most effective way so as to ensure the contract meets the optimum combination of cost, time and quality.

(Source: Adapted from CIPS definition in the contracts management Knowledge Summary)

**E-Procurement:** is the ability to purchase/sell through electronic trading via the Internet.

**Evaluation:** A detailed assessment and comparison of offers made by the Council in accordance with published criteria of responses to a request for quotations or tenders.

**Framework Agreement:** A framework agreement is a general term for agreements with suppliers which set out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement.

**Invitation to Tender (ITT):** A formal document inviting an organisation to tender to provide services or, supply goods to or carry out works for the Council. It will include the instructions for submitting a tender, the specification for the requirement, the criteria against which the tender will be assessed, the proposed terms and conditions for the contract and, sometimes, a business questionnaire.

**Key Performance Indicator (KPI):** KPIs are placed against certain elements of a contract or SLA and indicate the items that are to be measured to see if the contractor has achieved the required contract standard.

**MEAT:** Most Economically Advantageous Tender.

**Method Statement:** A document used in the invitation to quote or to tender which sets out specific questions for the bidder to answer to explain to the Council how a service is to be delivered/works to be carried out. It will be evaluated and form a part of the contract.

**Official Journal of the European Union (OJEU):** The on-line publication in which notices advertising a Council tender that fall within the EU thresholds must be placed at the start and end of all the procurement.

**Procurement:** Often used interchangeably with Purchasing. Procurement is the totality of acquisition starting from the identification of a requirement to the disposal of that requirement at the end of its life. It therefore includes pre-contract activities e.g. sourcing and post contract activities e.g. contract management, supplier relationship management activities. Procurement generally relates to goods, works and service(s) requirements.

**Public Procurement Directives:** The EU procurement Directives set out the legal framework for public procurement. They apply when public authorities and utilities seek to acquire goods, services, and works. They set out procedures which must be followed before awarding a contract when its value exceeds set thresholds.

**Quotation:** An offer by a supplier to supply goods or services or to carry out works requested either orally or in writing.

**Regulations:** The Public Contracts Regulations 2015 that implement the various EU Procurement Directives

**Risk Management:** Involves three key activities, risk analysis, risk assessment, and risk mitigation, all of which facilitate the taking of decisions and actions to control risk appropriately by providing a disciplined and objective approach.

(Source: [www.cips.org](http://www.cips.org) Knowledge Summary on risk management)

**Selection Questionnaire (SQ):** A document asking the tenderer to provide information about his / her business and experience. Most commonly used in EU level procurements.

**SME:** In this context Small and Medium Enterprises (businesses).

**Specification/Statement of Requirements:** A description of the requirements for the service or of the service to be provided.

**Supplier Relationship Management:** (SRM) is the discipline of strategically planning for, and managing all interactions with contractors that supply goods and/or services in order to increase the value of those interactions. In practice, SRM entails creating closer, more collaborative relationships with key suppliers in order to uncover new value and reduce risk.

**Tender:** The offer submitted by the tenderer in response to the Invitation to Tender.

# Procurement Rules

**January 2021**

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Appendix 1 Table of Tendering Requirements for Nos. of Tenders, Returns and Openings

Appendix 2 Glossary and Definitions of Terms used in the Procurement Rules

### Documents referred to in (and that support the Operation of) these Procurement Rules:

Council’s Corporate Procurement Checklist	<a href="#">[ Available here ]</a>
Council’s Standard Selection Questionnaire (SQ)	<a href="#">[ Available here ]</a>
Council’s Procedure Note on Financial Checks for Tender Processes	<a href="#">[ Available here ]</a>
Crown Commercial Service’s Guidance on E-Procurement	<a href="#">[ Available here ]</a>
Council’s Guidance of Electronic Tendering	<a href="#">[ Available here ]</a>
Council’s Certificate of Bona Fide Tendering	<a href="#">[ Available here ]</a>
Council’s Formal Declaration of Tender Offer	<a href="#">[ Available here ]</a>
EFDC Corporate MEAT Assessment Methodology	<a href="#">[ Available here ]</a>
Standard Procurement Process (“Regulation 84”) Report	<a href="#">[ Available here ]</a>
Agreement for Purchase of Consultancy and Other Professional Services	<a href="#">[ Available here ]</a>

***(Note: A Glossary and Definitions of Terms used in these Procurement Rules is provided at Appendix 2. Reference to such terms in these Procurement Rules are denoted with a capital letter)***

## 1. Introduction

- 1.1 These Procurement Rules set out the procedures that must be followed by all officers for the procurement of Contracts for any Works, Supplies or Services on behalf of the Council, including Official Orders issued through the Council's electronic ordering system. A serious/wilful failure to comply with these Procurement Rules could result in disciplinary action being taken.
- 1.2 They seek to adopt a modern and flexible approach to procurement that is easy to follow and comply with and are responsive to the Council's current and future procurement needs, whilst ensuring appropriate controls and probity to safeguard the use of public money. They are also set out in a logical, sequential order to help lead officers through the procurement process.
- 1.3 These Procurement Rules also relate to certain disposals of land and property, and other property transactions, which are covered in Section 25 below. Associated delegations to officers are covered by the Schedule of Officer Delegations within the Council's Constitution. However, these Procurement Rules do not relate to the acquisition of land or properties, which must be authorised through reports to the relevant Portfolio Holder or Cabinet as appropriate.
- 1.4 The transitional arrangements to apply when these Procurement Rules are first introduced is that, wherever possible, any procurement activities for procurements commenced before the adoption of these Procurement Rules must comply with these Procurement Rules. For example, if a Select List was formulated before the adoption of these Procurement Rules (under the Council's previous Procurement Rules 2016-2020), but Tenders had not been invited at the time of adoption, the Tenders should still be invited in accordance with these Procurement Rules.
- 1.5 These Procurement Rules represent the Council's Contract Standing Orders for the purposes of Section 135 of the Local Government Act 1972.

## 2. General rules

### *(a) Responsibility*

- 2.1 It is the responsibility of the designated Budget Holder for the budget that will be used to fund the resultant Contract to ensure that these Procurement Rules are followed.
- 2.2 When the Total Contract Value of a Contract or Official Order to be issued is less than the minimum for Contract Category 1 at Appendix 1, subject to the requirements at Section 2.9 below (Total Contract Values over a 12-month period), these Procurement Rules do not have to be followed. However, it is the responsibility of all Budget Holders to try to obtain value for money, in terms of price and quality, through any Contract or Official Order that they issue, irrespective of its value. Budget Holders should therefore be aware of what constitutes appropriate price and quality for the Works, Supplies or Services sought.

### *(b) Approach to procurement*

- 2.3 In order to help ensure compliance, and to provide a documented audit trail, Budget Holders must use and complete the Council's ["Corporate Procurement Checklist"](#) throughout the procurement process for any Contracts with a Total Contract Value within Category 1 of Appendix 1 or higher. They must also keep a copy of the completed ["Corporate Procurement Checklist"](#) on the relevant Contract file, both throughout the procurement process and for at least 3 years after the completion of the Contract.
- 2.4 Reference to "Directors" throughout these Procurement Rules also includes the relevant Service Director / Service Manager responsible for providing the service to which the relevant procurement relates, except where a Service Director / Service Manager is also the Budget Holder responsible for undertaking the

procurement. Where a Service Director is responsible for a procurement, the Strategic Directors / Chief Executive will take the role of the Director.

*(c) Compliance with EU Regulations additional to these Procurement Rules*

- 2.5 These Procurement Rules do **not** set out or duplicate the legal requirements that must be followed for EU Regulated Contracts with Total Contract Values above the value thresholds set out in the Public Contracts Regulations 2015. For such EU Regulated Contracts, officers **must** comply with the requirements of the Public Contracts Regulations 2015. If there is any conflict between these Procurement Rules and the Public Contracts Regulations 2015 or any other legislation, then the relevant legal requirements take precedence. Advice on the Public Contracts Regulations 2015 can be obtained from the Procurement and Contract Development Team. However, *these Procurement Rules do set out the Council's own requirements for complying with EU Regulated Contracts specified within the Public Contracts Regulations 2015, which are shown in italic text. Particular attention is drawn to Section 17 of these Procurement Rules, which explains the Council's requirements, in respect of EU Regulated Contracts, for Budget Holders to complete and maintain the required Procurement Process Report under Regulation 84 of the Public Contracts Regulations 2015 throughout the procurement process.*

*(d) Framework Agreements*

- 2.6 Where appropriate, Budget Holders are encouraged to use central contracts and existing Framework Agreements – either through the Essex Procurement Hub or with other organisations to which the Council has access. Where such central contracts or existing Framework Agreements are used, Budget Holders must inform the Procurement and Contract Development Team of their proposed use, so that they can provide guidance and advice on the Council's corporate legal requirements. Some parts of these Procurement Rules do not have to be followed – except where competitive tendering is undertaken amongst Contractors on Framework Agreement Select Lists. Budget Holders should seek advice, and receive confirmation in writing, from the Procurement and Contract Development Team on which parts of these Procurement Rules do not have to be followed in such circumstances.

*(e) Exemption from Procurement Rules*

- 2.7 These Procurement Rules do not have to be followed in the following circumstances:

- (a) Where a Budget Holder feels that there are good reasons why specific parts of these Procurement Rules should not be followed for a particular procurement, they may seek a waiver from compliance with that part of the Procurement Rules. Requests for such waivers must be made in writing by the Budget Holder. Approvals can only be given in writing (or through a Portfolio Holder Decision or Cabinet minute as appropriate) by the relevant person/body listed at Appendix 1 who is responsible for accepting Tenders for the Contract Category relating to the Total Contract Value of the proposed Contract.

or

- (b) Where it is essential to meet an immediate need, subject to the Budget Holder seeking advice from the Procurement and Contract Development Team where the Total Contract Value is within Contract Category 5 at Appendix 1 (i.e. above the EU Procurement Thresholds), which;

- (i) Has been created by a sudden emergency; or
- (ii) Is outside the Council's control (e.g. by order of the Courts or another body with an equivalent power), or
- (ii) Has some other over-riding urgency.

In such circumstances, the Budget Holder must provide a report to the next available meeting of the Corporate Governance Group explaining the reasons why the matter had to be treated as a matter of urgency and why these Procurement Rules could not be followed.

If it is necessary to incur expenditure outside of the Council's budgetary framework, Budget Holders must comply with the additional relevant requirements within the Council's Financial Regulations

*(f) Cumulative value of Contracts*

2.8 When seeking to procure a Contract, Budget Holders must:

- (a) Consider and assess the likely total value of Contracts and/or Official Orders to be provided to a potential Contractor by their Directorate over a 12 month period for similar Works, Supplies and/or Services (or over a 4-year period where the total value would exceed the thresholds for EU Regulated Contracts set out in the Public Contracts Regulations 2015 and reproduced at Appendix 1) that could, alternatively, be procured through one or more Contracts or Framework Agreements over that period; and
- (b) If the total value of such Contracts over any 12 month period is likely to be more than the threshold for Contract Category 1 listed at Appendix 1, seek Tenders and procure a Contract in accordance with these Procurement Rules.

2.9 Contracts must not be artificially separated to avoid compliance with either these Procurement Rules or the Public Contracts Regulations 2015.

*(g) Breaches of Procurement Rules*

2.10 If it comes to light that these Procurement Rules have not been followed, the relevant Service Director / Service Manager must submit a report to the next available meeting of the Corporate Governance Group (or successor officer group) explaining the reason for the breach and, if appropriate, the proposed remedy for correcting or mitigating the effects of the breach. The CGG will identify any breaches that it considers to be sufficiently serious to be reported to the Audit and Governance Committee (or successor member body).

2.11 The provision of in-house Council Services is excluded from the requirement of these Procurement Rules.

*(h) Suspension of Contractors*

2.12 Contractors can only be suspended from consideration for future contracts on the grounds of one of the mandatory and discretionary exclusions set out in the Public Contracts Regulations 2015 and only for the periods specified in the Public Contracts Regulations 2015.

2.13 If any Budget Holder considers that a Contractor should be suspended from consideration for future Contracts with the Council for a specified period, they must submit a report to the Corporate Governance Group;

- (a) Explaining the reasons for suspending the Contractor;
- (b) Recommending a proposed period of suspension; and
- (c) Seeking approval to such a decision.

2.14 If the Corporate Governance Group agrees that a Contractor should be suspended, the Budget Holder must:

- (a) Advise the Procurement and Contract Development Team of the decision, who must in turn notify all Service Directors / Service Managers of the decision; and



(b) Advise the Contractor of the reasons for the suspension and the period of the suspension.

*(i) Conflicts of interest*

2.15 No person or body who has given material advice to the Council, or a Consultant acting on behalf of the Council, on a proposed Contract can then submit a Tender for that Contract, where more than one Tender is required (i.e. for Contracts with a Total Contract Value within Contract Category 1 of Appendix 1 or higher).

*(j) Absence of post-holder*

2.16 In the absence of the post-holder, the responsibilities of specifically named posts within these Procurement Rules, can be discharged by:

(a) Their Service Director / Service Manager; or

(b) An officer designated by them.

2.17 All designations of committees, portfolio holders, other bodies and officers referred to in these Procurement Rules also include successor bodies and posts.

### **3. Exceptions for Central Purchasing Bodies**

3.1 These Procurement Rules do not apply for the procurement of Contracts by a Central Purchasing Body, of which the Council is a member, or under which the Council is entitled to benefit by virtue of its status as a public authority. In such circumstances, the rules for procurement that relate to the member of the Central Purchasing Body undertaking the procurement on behalf of the Central Purchasing Body will apply.

3.2 However, where Tenders are invited by an officer of the Council on behalf of a Central Purchasing Body, these Procurement Rules must be followed.

3.3 In any event, if the value of the Works, Supplies or Services that the Council will be required to fund itself through a Central Purchasing Body or collaborative arrangement is:

(a) Within Contract Categories 1 or 2 at Appendix 1 - The relevant Service Director / Service Manager must be satisfied that the terms and conditions of the proposed Contract are appropriate under all the circumstances, taking any advice from the Procurement and Contract Development Team that the Budget Holder and Service Director / Service Manager considers necessary.

(b) Within Contract Category 3 at Appendix 1 or higher - The Budget Holder must report to the relevant Portfolio Holder on the proposed arrangements for the procurement of the Contract and obtain a formal Portfolio Holder Decision agreeing to the proposed arrangements;

3.4 Where the Council is considering sharing services with other public bodies or arranging for services to be provided to the Council by a company in which the Council has an interest, legal advice should be obtained.

### **4. Contract Conditions**

*(a) Compliance with Procurement Rules by Consultants*

4.1 Where one or more Consultants are appointed to advise or act on behalf of a Budget Holder in respect of the procurement or administration of a Contract, the Contract for their appointment(s) must include a condition

that the Consultant must comply with these Procurement Rules and the Consultant must be provided with a hard or electronic copy of these Procurement Rules.

- 4.2 It is the responsibility of the Budget Holder to ensure that Consultants appointed by them are aware of the requirements of these Procurement Rules, and that they comply with them.

*(b) Standard Contract terms*

- 4.3 If the Council's Standard Form of Contract or Official Order is used, no amendments can be made without consulting the Council's Procurement and Contract Development Team. If the Council's Standard Form of Contract is not used, the Contract must include standard contract terms, which are available on the Council's Intranet, unless the Procurement and Contract Development Team, in consultation with the Budget Holder, determines that individual standard terms are not required for a particular Contract.

*(c) Liquidated and Ascertained Damages*

- 4.4 For Contracts with Total Contract Values within Contract Category 3 of Appendix 1 or higher, and where late completion or non-completion of the Contract would result in a quantifiable financial loss to the Council, the Contract must include a condition that Liquidated and Ascertained Damages will be payable in such circumstances.
- 4.5 In such circumstances, the Contract must set out the level of Liquidated and Ascertained Damages that will be payable, which must be the Budget Holder's best estimate of the loss to the Council for each week of late or non-completion. Advice regarding the calculation can be obtained from the Council's Deputy Section 151 Officer or their designated officer.

*(d) Performance Bonds and Parent Company Guarantees*

4.6 It is not a requirement of these Procurement Rules that contractors must provide either a Performance Bond for the Contract's due performance, or a Parent Company Guarantee or deposit as security. However, Budget Holders may consider it appropriate to use one of these arrangements for certain types of contracts - where they are considered to be both appropriate and beneficial for the Council.

If any of these arrangements are to be used, they must be arranged in consultation with the Council's Deputy Section 151 Officer or their designated officer.

*(e) Retentions*

- 4.6 Where a Contract includes provision for a Defects Liability Period, a condition must be included within the Contract allowing the Council to hold a Retention of:
- (a) 5% of the Contract Sum during the course of the Contract Period; and
  - (b) 2.5% of the Contract Sum on Practical Completion;

which must not be finally released until the end of the Defects Liability Period. Lower amounts of retention can be agreed if the Budget Holder feels it is appropriate for their project. In this situation, the Procurement and Contract Development Team must be made aware prior to proceeding.

*(f) Insurances*

- 4.7 Subject to Section 4.8 below, conditions must be included within:
- (i) All Contracts that require Contractors to have in effect, at the time of signing the Contract:

- A minimum public liability insurance cover of £5 million; and
- A minimum employer liability cover of £10 million; and

(ii) All appointments of Consultants that require them to have in effect, at the time of signing the Contract:

- Professional Indemnity Insurance with a minimum cover of £2million for any one claim or such other sum as may be determined.

4.8 Subject to obtaining written advice from the Procurement and Contract Team, Budget Holders may include conditions within Contracts varying levels of insurance than set-out at Section 4.7 above, dependent on the risk assessed by the Budget Holder, based on the advice of the Procurement and Contracts Team; this also includes any additional insurances deemed necessary in addition to those listed in 4.7. The Procurement and Contracts Team will liaise with the Council's Insurance Service if deemed necessary in order to provide the required advice.

4.9 The Contractor shall also be required:

- (i) To show to the Budget Holder evidence of all relevant insurance policies, both in place at the time of signing the Contract and any new policies obtained on the expiry of insurance policies, who must check that all required insurances are in effect throughout the duration of the Contract for the required levels of cover; and
- (ii) For construction contracts only, with Total Contract Values within Contract Category 4 of Appendix 1, to have the interest of the Council noted on the insurance policies.

*(g) Assignment*

4.10 A condition must be included within every Contract which prohibits the Contractor from transferring or assigning (directly or indirectly) any part of the Contract to another person or body without the written permission of the Council. *It should be noted that EU Regulated Contracts may only be assigned in limited circumstances.*

4.11 On receipt of a request from a Contractor to assign all or part of a Contract, the Budget Holder must undertake the checks of the proposed assignee required by Sections 7 and 8 below, before approving the assignment.

*(h) Cancellation*

4.12 All Contracts must include conditions relating to the cancellation of the Contract, in terms specified by the Procurement and Contract Development Team, either generally or for specific contracts.

4.13 *All EU Regulated Contracts must include a condition providing an express right for the Council to terminate the contract in specified circumstances, in the form prescribed in Regulation 73 of the Public Contracts Regulations 2015.*

*(i) Appointment of Sub-Contractors and alternative suppliers*

4.14 A condition must be included within every Contract which prohibits the Contractor from appointing a sub-contractor or alternative supplier to perform any part of the Contract without the prior written consent of the Council.

*(j) Access to sites and documentation for audit purposes*

- 4.15 When considered relevant to the requirement, tender documentation must contain a provision allowing an officer designated by the relevant Service Director, Service Manager and/or Chief Internal Auditor access, for audit purposes, to:
- (i) A site where a Contract is being performed; and/or
  - (ii) Relevant documentation relating to a Contract.
- (k) Payments to Contractors*
- 4.16 In order to comply with Regulation 113 of the Public Contracts Regulations 2015, a condition must be included within every Contract requiring that all payments made by the Council to Contractors, and by Contractors to any sub-contractors, must be made no later than 30 days from the date a valid and undisputed invoice is received. Budget Holders must then ensure that this Contract condition is complied with.
- 5. Rules for identifying and selecting Contractors/suppliers**
- 5.1 Subject to 2.9 above, where a Total Contract Value is below Contract Category 1 at Appendix 1, there is no requirement for Budget Holders to obtain competitive Tenders for procurements. In such circumstances, Budget Holders can decide the most appropriate Contractor to select to perform the Contract. However, for the avoidance of doubt, Budget Holders can seek competitive Tenders if they consider it appropriate.
- 5.2 *Except for EU Regulated Contracts, where the procedure for inviting Tenders must comply with Public Contracts Regulations 2015*, Budget Holders may use any of the following methods that they consider most appropriate, under all the circumstances, to determine which Contractors should form a Select List to be invited to submit Tenders, subject to a written explanation of the criteria adopted for selecting Contractors being held on the relevant Contract file and a copy being provided to the Procurement and Contract Development Team at the time of formulating the Select List:
- (a) Use of Constructionline – Budget Holders may reduce a Long List produced by Constructionline for the type and value of Contract required to an appropriate Short List (comprising the required number of Tenderers set out in Appendix 1) using a method previously considered appropriate, and approved in writing, by their Service Director or Service Manager.
  - (b) Use of an existing or new Framework Agreement – including a Framework procured by the Essex Procurement Hub;
  - (c) Use of Contractors known to be able to meet the Council’s requirements to a good quality and to provide good value for money;
  - (d) Use of Contractors who have previously been successful in Tendering for similar work for the Council in the past; and
  - (e) Through the formulation of a Select List by:
    - (i) The inclusion of Contractors considered to be able to perform the Contract; and/or
    - (ii) Advertising for potential Contractors as appropriate (but note 5.3 below).
- 5.3 Where Contractors are invited to express an interest in being considered for specific procurements for Contracts with a Total Contract Value in excess of £25,000, through the placement of an advertisement in any media, the Procurement and Contract Development Team must be notified and provided with the details of the procurement. The Procurement and Contract Development Team must then publish the required information on the Government’s Contracts Finder website, in accordance with the Public Contracts Regulations 2015.

- 5.4 Unless there are good reasons, if an in-house Council service can meet the requirements of the Specification to the required quality, they must be used in preference to an external Contractor. This includes the Council's Building Control Services.
- 5.5 When Budget Holders are deciding which Contractors should be invited to provide Tenders, they must take account of the following:
- (a) *If the Contract is for a Total Contract Value in excess of the thresholds for EU Regulated Contracts set out in the Public Contracts Regulations 2015, the selection of Contractors to Invite to Tender must be in accordance with these Regulations;*
  - (b) *With the exception of EU Regulated Contracts, where appropriate and possible, at least two business with its headquarters located in the Epping Forest District should be invited to Tender and the Procurement and Contract Team should be notified prior to tender issue if this is not the case, along with the reasons no local suppliers have been invited;*
  - (c) Contractors who have previously provided good quality Works, Supplies or Services with good value for money should be invited to Tender in preference to Contractors with whom the Council has not had any previous experience; and
  - (d) It may be appropriate to seek references for Contractors from other local authorities or public bodies for whom they have previously undertaken Works or provided Supplies or Services.
- 5.6 In accordance with the Public Contracts Regulations 2015, Selection Questionnaires (SQ's) must not be used for any procurement exercises that are not EU Regulated Contracts. It is still possible to ask questions relating to Contractors' suitability, provided that they are relevant to the subject matter of the procurement, are proportionate and are only used to establish whether Contractors meet minimum requirements of suitability, capability, legal status and financial standing. All candidates meeting the minimum criteria must be invited to tender.
- 5.7 *For EU Regulated Contracts, if Selection Questionnaires (SQs) are used, unless there are good reasons, the ["Council's Selection Questionnaire \(SQ\)"](#) should be used. If a different form of SQ is required, or the questions in the Council's SQ are not considered to be reasonable or proportionate, the amendments must be agreed with the Council's Procurement and Contract Development Team.*

## **6. Nominated Sub-Contractors and Suppliers**

- 6.1 Nominations made by the Council to a main Contractor for a sub-contractor or a supplier must be made following Tenders being sought in accordance with these Procurement Rules to select the Nominated Sub-Contractor or Supplier, except where a supplier has previously been used by the Council and the likely overall cost to the Council of changing supplier is considered by the relevant Service Director / Service Manager to be greater than any reduced costs that could reasonably be obtained through a further Tendering process.

## **7. Checks to be undertaken on the experience, abilities and financial standing of Tenderers**

- 7.1 If Tenders are to be invited from Contractors listed on Constructionline or an existing Framework Agreement no further checks are required, subject to the required checks of financial standing referred to in Section 8 below.
- 7.2 If Tenders are to be invited for Contracts with Total Contract Values covered by Contract Categories 1 or 2 in Appendix 1 no checks of Contractors are required, subject to:

- (a) The required checks of financial standing referred to in Section 8 below; and
- (b) If the Contract has any material health and safety implications, evidence of a good track record of health and safety and the adoption and use of satisfactory health and safety policies being obtained, to the satisfaction of the Budget Holder.

7.3 However, if the Budget Holder considers it appropriate, any (further) checks (including those listed at Section 7.3 and 7.4 below), can be undertaken for any Contracts with Total Contract Values covered by Contract Categories 1 or 2 in Appendix 1 (provided that they are in line with Section 5.6 above).

7.4 For all Contracts with Total Contract Values covered by Contract Category 3 in Appendix 1 or higher, the following checks must be undertaken of all Tenderers intended to be invited to submit Tenders, prior to issuing Invitations to Tender, in a form considered appropriate by the Budget Holder. *For EU Regulated Contracts, the wording provided by the Crown Commercial Service’s Selection Questionnaire (SQ) must be used:*

- (a) Details of each potential Tenderer’s previous experience and ability to undertake the work - to ensure that they are able to perform the Contract to the required standard;
- (b) If the Contract has any material health and safety implications, evidence of a good track record of health and safety and adoption and use of satisfactory health and safety policies;
- (c) The financial standing of proposed tenderers, if/as required by the Council’s [“Procedures for Financial Checks of Contractors”](#) referred to in Section 8 below;
- (d) Details of each Contractor’s approach to equality and diversity, to ensure that both the Contractor and the Council comply with the requirements of the Equality Act 2010; and
- (e) If the Contractor or their staff are likely to identify any Safeguarding issues relating to the wellbeing of either adults with care and support needs or children in the performance of the Contract, details of each Contractor’s approach to Safeguarding, to ensure that the Contractor and its employees are able to assist the Council to comply with its legal requirements under the Care Act 2014 and the Children Act 2004.

## 8. Checks of financial standing

8.1 Checks of Contractors’ financial standing should be undertaken as shown below, for the types of Contracts set out below:

- |     |                 |   |
|-----|-----------------|---|
| (a) | <b>Supplies</b> | Not required.   |
| (b) | <b>Works</b>    | For all Contracts with a Total Contract Value within Contract Category 2 of Appendix 1 or higher. |
| (c) | <b>Services</b> | For all Contracts with a Total Contract Value within Contract Category 5 of Appendix 1.           |

8.2 If checks of Contractor’s financial standing are required in accordance with Section 8.1 above, the checks must be undertaken in accordance with the Council’s [“Procedures for Financial Checks of Contractors”](#), and which sets out:

- (a) At what point in the procurement process financial checks should be undertaken;
- (b) Who has responsibility for undertaking the checks;

- (c) What checks should be undertaken and the methodology to be followed; and
- (d) What action should be taken based on the outcome of the checks.

## 9. Obtaining value for money for Contracts where Tenders are not required from more than one Contractor

- 9.1 Tenders are not required from more than one Contractor for Contracts with a Total Contract Value below the Total Contract Values of Category 1 at Appendix 1. However, Tenders can still be sought in such circumstances - with the manner in which such Tenders are sought being determined by the Budget Holder and which does not have to comply with these Procurement Rules.
- 9.2 If Budget Holders do not seek Tenders from more than one Contractor, they must still take reasonable and appropriate steps to ensure that the Council obtains good value for money from Contractors, in terms of price and quality.

## 10. Rules for inviting Tenders where more than one Tender is required

- 10.1 For Contracts with a Total Contract Value within Category 1 of Appendix 1 or higher (including the value of any potential Contract Extensions), Budget Holders must invite Tenders from at least the number of Contractors shown in Appendix 1 for the relevant Contract Category.
- 10.2 Where Budget Holders consider that increased value for money may be obtained by inviting more Contractors to Tender for a Contract than the number required for the relevant Contract Category at Appendix 1, they should invite more Contractors to Tender as appropriate.
- 10.3 Where the Total Contract Value (including the value of any potential Contract Extensions) is close to the upper threshold for a Contract Category in Appendix 1, Tenders should be sought based on the Contract Category with the higher Total Contract Values.
- 10.4 Budget Holders must give Tenderers sufficient time to properly complete and return Tenders before the Tender Return Date.
- 10.5 *For EU Regulated Contracts with a Total Contract Value above the thresholds within the Public Contracts Regulations 2015 (i.e. within Category 5 of Appendix 1), Budget Holders must comply with the e-communication requirements of Regulations 22(8-21) and 53 of the Public Contracts Regulations 2015. With effect from 18<sup>th</sup> October 2018, Budget Holders must comply with the full e-communication requirements of Regulation 22 and any other provisions of the Public Contracts Regulations 2015 relating to e-communications. A copy of the Crown Commercial Service's ["Guidance on Electronic Procurement & Electronic Communication"](#), to comply with the Public Contracts Regulations 2015, can be found by using the above hyperlink.*
- 10.6 Any electronic procurements undertaken by Budget Holders on behalf of the Council must comply with the ["Council's Guidance on Electronic Tendering"](#).
- 10.7 For procurements within Categories 1-4 of Appendix 1, the following documents must be included as part of the tender documentation:
  - (a) A ["Certificate of Bona Fide Tendering"](#)
  - (b) A ["Formal Declaration of Tender Offer"](#)
  - (c) A ["Request for Insurance Information"](#) (in line with requirements as laid out in 4.7 and 4.8 of the Rules).



Please liaise with the Procurement and Contract Development Team prior to issuing tender documentation to ensure all relevant information, including any additional information not listed here, has been included for your requirement.

**11. Additional rules for inviting and accepting tenders based on the Most Economically Advantageous Tender (MEAT) (i.e. price and quality) and/or a Schedule of Rates**

*(a) Most Economically Advantageous Tenders (MEATs)*

11.1 If the assessment of Tenders is to be based on an evaluation to assess the Most Economically Advantageous Tender (MEAT), i.e. taking account of both price and quality, Budget Holders must follow the Council's ["Corporate MEAT Assessment Methodology"](#). In line with the Council's Procurement Strategy, Social Value and Sustainability must be considered as criteria wherever possible to ensure the Council are getting best value and positively contributing to both the local community and to reducing carbon emissions.

11.2 Prior to Invitation of Tenders being issued, a MEAT Evaluation Assessment must be formulated by the Budget Holder and:

- (i) (A copy) must be provided to the Procurement and Contract Development Team prior to the Invitation of Tenders being issued, for audit purposes;
- (ii) Must not be changed after Invitations to Tender have been issued; and
- (iii) Must be held on the relevant Contract file for at least 1 year after the Contract has been let.

11.3 A copy of the MEAT Evaluation Assessment must be provided to Tenderers as part of the Tender Documents.

*(b) Schedule of Rates*

11.4 Where Tenders are based on a Schedule of Rates, a reasonable Pre-estimate of Quantities for each of the rates contained in the Tender must:

- (i) Be produced prior to Invitations to Tender being issued;
- (ii) Be lodged with the Procurement and Contract Development Team for audit purposes;
- (iii) Not be changed after Invitations to Tender have been issued;
- (iv) Be held on the relevant Contract file for at least 6 years after the Contract has been let;
- (v) Be used to multiply the rates provided by Tenderers to reach an Estimated Tender Sum, which shall be the Tender Sum reported for consideration of acceptance by the relevant person/body specified in Appendix 1.

**12. Rules for the receipt, custody and opening of Tenders with Total Contract Values within Category 1 of Appendix 1 or higher**

12.1 All Tenders must be received, held and opened in accordance with EFDC's ["Guidance on Electronic Tendering"](#).

### **13. Alterations**

- 13.1 Tenders must not be altered after they have been opened. However, *except in the case of EU Regulated Contracts*, the Budget Holder can recommend to the person or body responsible for accepting the Tender that it is appropriate to accept the correction of Arithmetical Errors, if the Budget Holder is satisfied that such errors were made inadvertently. *For EU Regulated Contracts, any proposed alterations to Tenders after they have been opened must be discussed with the Council's Procurement and Contract Development Team.*
- 13.2 If an error is identified within the Tender Documents before the Tender Return Date, all the Tenderers must be informed of the error and invited to adjust their Tenders prior to submission.
- 13.3 If an error in the Tender Documents is identified after the Tender Return Date, all Tenderers must be given details of the error and afforded the opportunity of withdrawing their Tender or submitting an amended Tender.

### **14. Post-Tender Negotiations**

- 14.1 No Post-Tender Negotiations are permitted, unless the Contract has been advertised and Tendered under the Competitive Dialogue Procedure and the relevant Service Director / Service Manager is satisfied, and determines, that Post-Tender Negotiations are appropriate to the procurement process.
- 14.2 Seeking clarification from Tenderers on queries related to their Tenders does not constitute Post-Tender Negotiations. However, the Budget Holder must first consult with the Procurement and Contract Development Team for advice and, if necessary, seek further legal advice.
- 14.3 If the Specification for a Contract needs to be amended, due to the lowest Tender exceeding the available budget, or if the Council's requirements have changed since the Tenders were invited, all Tenderers must be given the opportunity to submit revised Tenders based on the revised Specification.

### **15. Rules for accepting Tenders**

- 15.1 Tenders must only be accepted by the person/body listed in Appendix 1 for the relevant Contract Category relating to the Total Contract Value.
- 15.2 The report to the person/body listed in Appendix 1 on the proposed award of a Contract must seek approval from that person/body to the proposed arrangements for any proposed Contract extensions, including a recommendation on whether subsequent decisions to extend Contracts, in accordance with the Contract Terms, will be agreed by the:
- (a) The Budget Holder;
  - (b) The relevant Service Director / Service Manager
  - (c) The relevant Portfolio Holder; or
  - (d) The Cabinet.
- 15.3 Where the actual Total Contract Value of the Tender to be recommended for acceptance exceeds the expected Total Contract Value for the relevant Contract Category at Appendix 1, and results in Tenders not having been invited and/or opened in accordance with the higher Contract Category, the Tenders must be reported to, and approved by, the person/body authorised to accept Contracts for the higher Contract

Category, together with an explanation of why the actual Total Contract Value is above the expected Contract Value.

15.4 For Contracts that are not EU Regulated Contracts, if a Tender, other than either:

- (a) The lowest Tender (for Tenders based only on price); or
- (b) The Tender with the highest weighted Tender Evaluation Score (for procurements undertaken to assess the Most Economically Advantageous Tender (MEAT))

is recommended by the Budget Holder, it may only be approved by:

- (c) A Service Director or Service Manager - where the Tender would normally be accepted by the Budget Holder;
- (d) The relevant Portfolio Holder - where the Tender would normally be accepted by a Service Director, Service Manager or the Portfolio Holder; or
- (e) The Cabinet - where the Tender would normally be accepted by the Cabinet.

15.5 *For EU Regulated Contracts, there are only limited circumstances when a Tender, other than either the lowest-priced Tender or having the highest weighted Tender Evaluation Score, can be accepted. If acceptance of a different Tender is proposed, Budget Holders are required to seek the advice of the Procurement and Contract Development Team and follow the requirements of the Public Contracts Regulations, and/or undertake a further Tender exercise.*

15.6 For audit purposes, where the circumstances in Sections 16.3 and 16.4 above apply, the Budget Holder must provide an explanation in writing to the person/body accepting the Tender of why the lowest Tender or highest weighted Tender Evaluation Score should not be accepted, and must retain a copy of the written explanation on the Contract file.

15.7 Prior to a Tender being accepted, evidence of valid satisfactory insurances required under Section 4.8 above must be received from the Preferred Tenderer by the Budget Holder.

15.8 Budget Holders are authorised to instruct the Procurement and Contract Development Team to draft Contracts on their behalf, or issue Official Orders via the Council's Electronic Ordering System, that have been Tendered and approved in accordance with these Procurement Rules.

15.9 For all procurement exercises with Total Contract Values in excess of £25,000, Budget Holders must provide details of all Tenders received, and the name of the successful Tenderer, to the Council's Procurement and Contract Development Team within 5 working days of a Contract being entered into, in order to:

- (a) Maintain a central record of all procurement exercises; and
- (b) Enable the Procurement and Contract Development Team to provide the required information to the Contracts Finder website, in order to comply with the requirements of the Public Contracts Regulations 2015.

15.10 On receipt of the information provided by the Budget Holder, the Procurement and Contract Development Team must upload the required information to the Crown Commercial Service's Contracts Finder website as soon as reasonably possible.

## 16. Procurement Process ("Regulation 84") Report

16.1 *For EU Regulated Contracts undertaken with a Total Contract Value within Category 5 of Appendix 1, throughout the procurement process, Budget Holders must complete and maintain the required Procurement Process Report under Regulation 84 of the Public Contracts Regulations 2015. At the same time as informing Tenderers that their Tenders have been either successful or unsuccessful, Budget Holders must provide a copy of the completed Report to the Procurement and Contract Development Team, in order to maintain a central record. A template for the [“Procurement Process \(“Regulation 84”\) Report”](#) is available here.*

## **17. Contract Documentation and retention**

17.1 Contracts with a Total Contract Value within Contract Category 1 of Appendix 1 can be dealt with by the use of an Official Order, provided that the relevant Service Director / Service Manager is satisfied that there is no need for more extensive terms and conditions to be specified in order to protect the interests of the Council. An Official Order (or formal Contract) is required for all Council Contracts.

17.2 All Contracts with a Total Contract Value within Contract Category 2 of Appendix 1 or higher must:

- (a) Be in a standard form of an appropriate formal legal agreement approved by the Council’s Procurement and Contract Development Team; and
- (b) Be executed as a deed under seal, unless the Council’s Procurement and Contract Development Team, in consultation with the Budget Holder, determines otherwise. This would be on the basis that it is deemed appropriate that the period of liability for breach of contract can be reduced to six years from the usual twelve.

17.3 Budget Holders (and their successors) must ensure that:

- (a) All appropriate Contract Documentation is retained in a secure location for a minimum period, following the date of final payment, of at least:
  - (i) Six years if the Contract is not executed as a deed under hand (not under seal);
  - (ii) Twelve years if the Contract is executed as a deed under seal; and
- (b) Documentation relating to unsuccessful Tenders is retained in a secure location for the same period as the successful contract (six or twelve years).

17.4 Original signed Contracts with Total Contract Values within Contract Category 2 of Appendix 1 or higher must be forwarded to the Procurement and Contract Development Team for secure storage within 28 days of signing/sealing. Original signed Contracts with Total Contract Values within Contract Category 1 of Appendix 1 can also be forwarded to the Procurement and Contract Development Team for secure storage if the Budget Holder wishes.

## **18. Rules for negotiated contracts**

18.1 Contracts with Total Contract Values within Contract Category 1 at Appendix 1 or higher may only be negotiated where the relevant Portfolio Holder (or, for Contracts within Contract Category 4, the Cabinet) has resolved that competitive Tenders need not be invited and that a Contract may be negotiated with just one Contractor.

18.2 In such circumstances, the reason for not inviting competitive Tenders must be set out in the report to the Portfolio Holder or Cabinet, which can be for any reason considered appropriate by the relevant Service Director / Service Manager including the following reasons:

- (a) The Contract is urgent and there is insufficient time to invite Tenders;
- (b) The requirements of the Contract are of a specialist nature, where no other Contractor is known to provide them;
- (c) No demonstrable material benefit would be obtained from inviting competitive Tenders; or
- (d) Tenders have previously been sought for a similar Contract within the previous 6 months and no Tenders were received.

18.3 *For EU Regulated Contracts, procurements must be undertaken in accordance with the Public Contracts Regulations 2015 in all circumstances.*

## **19. Use of Consultants**

19.1 The definition of a “Consultant” is provided at Appendix 2.

19.2 The procurement of all Consultants must be undertaken in accordance with these Procurement Rules *and, where appropriate, the EU Regulations.*

19.3. Budget Holders are responsible for ensuring that any Consultants acting on behalf of the Council comply with these Procurement Rules in full.

19.4 Budget Holders must ensure that prior to instructing the Procurement and Contract Development Team to produce a Contract for the appointment of a Consultant, an IR35 check is completed by HR to determine whether the appointment is outside of the scope of IR35.

19.5 Except where a recognised national Form of Contract or other accepted and standard type of agreement is used for the appointment of a Consultant, or where the Procurement and Contract Development Team determines otherwise, the Council’s [“Agreement for Purchase of Consultancy and Other Professional Services”](#) must be used for the appointment of any Consultant.

19.6 Where a national Form of Contract or other accepted and standard type of agreement is to be used for the appointment of a Consultant, Budget Holders must take the advice of the Procurement and Contract Development Team on any specific provisions to be included or excluded within the Contract / agreement.

## **20. Rules for Contract Extensions**

20.1 Where Contracts allow one or more Contract extensions, Budget Holders are authorised to extend existing Contracts up to the maximum period allowed by the Contract in accordance with the decision of the person/body listed in Appendix 1 when they formally accepted the original Tender, as required under Section 16.2 above.

20.2 Where a Contract allows a Contract extension, but the original decision to award a tender did not specify the arrangements for proposed extensions in accordance with Section 16.2 above, and the Contract has a Total Contract Value within Category 4 of Appendix 1, Budget Holders must consult the relevant Portfolio Holder, in writing, on any intention to extend the Contract prior to the Contract being extended. In response, the Portfolio Holder may either raise no objections to the proposed extension or require that a formal decision on the proposed extension is made through a formal Portfolio Holder or Cabinet Decision.

- 20.3 Budget Holders must ensure that arrangements are made for any decisions about whether or not a contract should be extended in compliance with Sections 21.1 and 21.2 above in sufficient time to enable the works, goods, supplies or services to be procured through a new Contract, instead of through the extension of an existing Contract if that is the decision made.

## **21. Contract monitoring**

21.1 For all Contracts with a Total Contract Value within Category 4 of Appendix 1, the Budget Holder must provide a written progress report to the relevant Portfolio Holder(s) at least every three months, between the Tender Return Date and the date of Practical Completion. The Progress Report must report on the progress with the required Works or Services and the current financial position, in relation to:

- (a) Contract and fee expenditure to date;
- (b) The latest anticipated Total Contract Cost and the anticipated total cost of all fees;
- (c) Any variations between the budget approved at the time of the acceptance of the Tender and the latest anticipated Total Contract Cost and anticipated total cost of all fees; and
- (d) The use of any contingency sums to date and the amount of any contingency sums remaining.

21.2 For Contracts with Total Contract Values within Contract Category 3 of Appendix 1 or higher, where the latest anticipated Total Contract Cost is in excess of 20% of the Tender Sum, the Budget Holder must submit a written report to the next available meeting of the Council's Corporate Governance Group after the date the excess has been identified, explaining the reasons for the increase and, if appropriate, any remedial action to be taken to reduce the excess.

## **22. Final Accounts**

22.1 The Budget Holder responsible for any Contract with a Total Contract Value within Contract Category 4 of Appendix 1 or higher must produce a written Final Account and provide a copy to the Deputy Section 151 Officer or their designated officer within 3 months of all financial transactions relating to the Contract being completed. The Final Account must include details of the Tender Sum, Contract variations, Final Account sum, any deducted Liquidated and Ascertained Damages, any extensions of time awarded, and any claims agreed with the Contractor.

22.2 If considered necessary, the Chief Internal Auditor may examine and audit the Final Account and associated Contract Documentation to satisfy that the Final Account is correct and represents an accurate and appropriate summary of Contract payments and deductions.

## **23. Publication of procurement information**

23.1 In order to comply with the Local Government Transparency Code 2015, the Procurement and Contract Development Team is responsible for ensuring that the information required by Part 2.1 of the Code is published every 3 months in accordance with the Code.

## **24. Disposal and freehold/leasehold property transaction**

24.1 For the purposes of these Procurement Rules:

- (a) All disposals and freehold/leasehold property transactions, including interests in land (such as acquisitions, disposals, new lettings, lease renewals, lease surrenders, rent reviews, sub-lettings, assignments, licences, deeds of variations, easements, wayleaves and land covenants on land) must be dealt with in accordance with the Schedule of Delegation set out in Part 3 of the Council's Constitution and any procedures required by law; and
- (b) References to Total Contract Value within these Procurement Rules (including in Appendix 1) mean:
  - (i) The anticipated purchase price or premium for the disposal or freehold/leasehold property transaction; or
  - (ii) The annual rent.

24.2 Disposals or freehold/leasehold property transactions involving Council land and property may be through:

- (a) Formal tendering (providing for an initial deposit and binding contract if the Tender is successful);
- (b) Formal tendering (providing for no initial deposit and no binding contract if the Tender is successful);
- (c) Private treaty; or
- (d) Public auction.

24.3 These Procurement Rules must be followed in full for all disposals or freehold/leasehold property transactions where Tenders from potential purchasers are sought in accordance with Section 25.2 (a) or (b) above.

24.4 If the method of disposal or property transaction set-out in Section 25.2(a) or (b) above is followed, the person/body that will be asked to accept the Tender may pre-determine that the relevant sale particulars should make provision for a two-stage offer process, that provides the Council with the option of inviting best and final offers after receipt of initial offers, where this is demonstrated to them to be appropriate:

- (a) By the relevant Budget Holder making such a recommendation in a written report to the person/body that will be asked to accept the Tender; and
- (b) Having considered the case for adopting this method of disposal based on an assessment of the risks involved and concluding that this procedure is the most appropriate for achieving best value.

24.5 Disposals or other freehold/leasehold property transactions involving Council land or property sought through the methods set-out in Section 25.2 (c) or (d) above can only be approved:

- (a) In exceptional circumstances and if the person/body that will be asked to accept the Tender has considered a report prepared by the relevant Budget Holder which justifies the proposed procedure as the most suitable method of achieving best consideration; and
- (b) If the transaction is for less than the open market value, the report referred to in Section 25.5(a) above contains an estimate of what the value of the transaction would be if advertised on the open market.

24.6 Where disposals or other freehold/leasehold property transactions involving Council land or property are sought through the methods set-out in Section 25.2 (c) or (d) above:



- (a) The relevant Service Manager or Service Director may determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 2 of Appendix 1 or lower;
- (b) The relevant Portfolio Holder must determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 3 of Appendix 1; and
- (c) The Cabinet must determine the appropriate arrangements to be followed if the anticipated Total Contract Value for the disposal or freehold/leasehold property transaction is within Contract Category 4 of Appendix 1 or higher.

24.7 The arrangements referred to in Section 25.6 above may include:

- (a) Determining the most appropriate method of disposal to achieve the Council's statutory duty of obtaining best consideration; or
- (b) Deciding to sell for less than the open market value, provided that all statutory procedures are complied with, including (where necessary) obtaining the consent of a Secretary of State.

24.8 The Chief Estates Officer may agree, on behalf of the Council, to all estates acquisitions, disposals and licences set out within the Schedule of Officer Delegations in Part 3 of the Council's Constitution, where it would be in accordance with good estate management and would not adversely affect the premises concerned.

24.9 The relevant Portfolio Holder may take decisions under delegated authority for all estates management matters that, individually, have a cumulative value of between £500,001 and £999,999, subject to all other matters within these Procurement Rules being satisfied and undertaken in accordance with Article 14 (Decision Making) of the Council's Constitution.

Table of Tendering Requirements for Nos. of Tenders, Returns and Openings

Contract Category	Total Contract Value <sup>(*)</sup>	Minimum no. of tenders to be invited <sup>(+)(@)</sup>	Minimum number of Local** Suppliers to be invited	Designation of person/body required to accept tender
1	£25,000 - £50,000	Five	Two	Budget Holder / Team Manager <sup>(#)</sup>
2	£50,001 - £150,000	Five	Two	Service Manager
3	£150,001 - £250,000	Five	Two	Service Director
3	£250,001 - £1million	Five	Two	Portfolio Holder
4	Over £1million	Five	Two	Cabinet
5	Above the relevant EU Threshold for Works, Supplies or Services	As per regulations	As per regulations	As 1-4 above (dependent on contract value)

**Notes:**

**All tenders will be opened by the Procurement and Contract Development Team using the electronic procurement system.**

(\*) Total Contract Value means the total value of the Works, Services and Supplies over the total period of the Contract, including all potential Contract Extensions to the initial Contract Period.

Where the Total Contract Value is within Contract Category 5, the arrangements for Contract Category 5 should be followed, and not the arrangements for any of the other Contract Categories that may also apply to the Total Contract Value.

(\*\*) Local suppliers are defined as having a headquarters in the Epping Forest District.

**(+) If the estimated Total Contract Value is in excess of the value thresholds for Works, Supplies or Services, above which the Public Contracts Regulations 2015 apply, the required number of Tenders determined by the Regulations must be applied.**

(@) Includes any in-house Tenders submitted.

(#) Budget Holder means the person who is the named person responsible for the budget heading under which payments for the contract will be made and is responsible for all aspects of the procurement process for a Contract and for complying with these Procurement Rules.

## Glossary and Definitions of Terms used in the Procurement Rules

Term	Definition or Explanation
Arithmetical Error	An error in addition, subtraction, multiplication or division within a submitted Tender.
Cabinet	The Leader of the Council and other councillors appointed by the Leader to form a group of councillors authorised by the Council's Constitution to make decisions on certain issues.
Central Purchasing Body	A contracting authority which either: <ul style="list-style-type: none"> <li>• Acquires supplies and/or services intended for contracting authorities; or</li> <li>• Awards public contracts (concludes framework agreements) for works, supplies or services intended for contracting authorities</li> </ul>
<b><i>"Certificate of Bona Fide Tendering"</i></b>	A form that Tenderers must complete, sign and return with their Tender to confirm that the Tender they are putting forward is the true offer that will be available to the Council if the Tender is won by the Tenderer (i.e. to confirm that the offer is genuine and is not just a competitive offer to push them forward through the Tender process). The Council's Standard <a href="#"><b><i>"Certificate of Bona Fide Tendering"</i></b></a> can be obtained here or from the Council's Intranet.
Competitive Dialogue Procedure	A formal and complex process, allowed by the Public Contracts Regulation 2015, for procuring a Contract through discussions with Contractors in a structured way.
Constructionline	The UK's leading procurement and supply chain management web-based service that collects, assesses and monitors standard company information through a question set that is aligned to the standardised pre-qualification questionnaire developed by the British Standards Institute, to reduce duplication within the construction industry.
Consultant	A person or organisation who is not employed by the Council, included on the Council's payroll or covering an establishment post, who is procured directly - through a company (or similar commercial undertaking) or an agency and is engaged to perform a specific task over a predetermined period.
Contract Award	The decision to enter into a Contract with a Contractor.
Contract Documentation	All documents related to the administration of a Contract, not just the Tender Documents
Contract Extension	The continuation of a Contract for a further period of time allowed by the Contract. There can be more than one Contract Extension for a Contract.
Contracts Finder	A service provided by the Crown Commercial Service, and referred to in

	the Public Contracts Regulations 2015, that enables Contractors to search for information about Contracts worth over £25,000 with the Government, Government agencies and local government.
Contract Period	The period commencing with the date a Contract specifies that the provisions of the Contract are to start to the date the Contract comes to an end.
Contract Sum	The amount to be paid to a Contractor to perform a Contract, prior to any Contract Extensions, and referred to in the formal Contract between the Council and the Contractor.
Contracts	Contracts, agreements or orders for Works, Supplies or Services.
Contractors	Works contractors, Suppliers, Service providers and Consultants.
Corporate Governance Group	A group of officers, chaired by the Chief Executive, comprising members of Management Board, the Chief Internal Auditor and the Deputy Monitoring Officer.
Crown Commercial Service	A Government Agency that brings together policy, advice and direct buying information in a single organisation and provides commercial Services to the public sector and saving money for the taxpayer. Much of the CCS's advice gives formal detailed guidance on the operation of the Public Contracts Regulations 2015.
Defects Liability Period	A set period of time after a Works Contract has been completed, during which a Contractor has the right to return to the site to remedy any defects at the Contractor's own cost.
Director	Levels 3 and 4 of the Council's Management Spine.
e-Communications	The method of using electronic communications, including email and web-based applications, to provide and receive documents and communications to and from Contractors, in accordance with the Public Contracts Regulations 2015 – detailed in the <a href="#">"Guidance on Electronic Procurement &amp; Electronic Communication"</a> produced by the Crown Commercial Service.
Essex Procurement Hub	A Central Purchasing Body of six local authorities in Essex, including Epping Forest DC, that provides strategic and operational procurement support, advice and guidance in order to add demonstrable value to the procurement process to its members. The Hub lets and manages a number of national Framework Agreements that are accessible to any UK Public Authority.
Estimated Tender Sum	A Tender Sum formulated by applying rates submitted by a Tenderer to Pre-Estimated Quantities that are estimated to apply over the Contract Period and used to compare the Tenders received from different Contractors. This is nearly always different from the Total Contract Cost.

EU Regulated Contracts	Procurements by public bodies in the UK that are above the financial thresholds for Works, Supplies and Services Contracts referred to in the Public Contracts Regulations 2015, which stipulate the way in which any procurements above the financial thresholds must be undertaken.
Final Account	A written statement that includes details of the Tender Sum, Contract variations, Final Account sum, any deducted Liquidated and Ascertained Damages, any extension of time awarded and any claims agreed with the Contractor.
<b><i>“Formal Declaration of Tender Offer”</i></b>	The form that Tenderers must complete, sign and return with their Tender to state and confirm their Tender Sum. The form includes a number of statements that Tenderers sign to confirm their compliance. The Council’s Standard <b><i>“Formal Declaration of Tender Offer”</i></b> is available here and on the Council’s Intranet.
Framework Agreement	An agreement with Contractors to establish terms governing Contracts that may be awarded during the life of the Framework Agreement, or a general term for agreements that set out terms and conditions for making specific purchases (referred to as “call-offs”).
Insurance Service	The service responsible for insurance arrangements for the Council, who co-ordinates insurance matters on behalf of EFDC.
Invitations to Tender	A letter, email or other communication sent to Tenderers – either by post or electronically – together with Contract Documents, that invites Tenderers to submit a Tender by the Tender Return Date.
Late Tender	A Tender that has not been received by the Council by the Tender Return Date.
Light Touch Regime (LTR) / Procurement	A specific set of rules introduced by the Public Contracts Regulations 2015 for certain Services contracts that tend to be of lower interest to cross-border competition, that replace the previous distinction between “Part A” and “Part B”. These include certain social, health and education services, defined by the Regulations. A relatively high financial threshold is applied to the LTR, below which contracts do not need to be advertised in the OJEU. For LTR contracts above the threshold, contracting authorities have to follow a new light-touch set of procurement rules, set out in the Regulations.
Liquidated and Ascertained Damages	Fixed damages stated in a Contract, and usually set as an amount per week (or part of a week), which the Contractor must pay the Council (or which the Council may deduct from payments to the Contractor) if completion of the Contract is delayed beyond the Contract completion date, as adjusted by any extensions of time. Note that they are void as a penalty if they are not a "genuine pre-estimate" of the Council’s potential loss, in which case the Council can usually recover normal, unliquidated damages for breach of Contract.

Long List	A list of all Contractors expressing an interest in receiving an Invitation to Tender, before any selection process has been undertaken by the Council to produce a Short List.
Most Economically Advantageous Tender (MEAT)	A Tender for a Contract that has been evaluated not only on the basis of the price submitted by a Tenderer, but also on the basis of the assessed quality of both the submitted Tender and the Tenderer. This is in accordance with a pre-determined MEAT Assessment Methodology, with Tenders evaluated using a pre-determined MEAT Evaluation Assessment, which usually provides for pre-determined weightings to be applied to the price and the quality of various aspects of the Tender.
<b><i>“MEAT Assessment Methodology”</i></b>	The pre-determined approach agreed by the Council, and available on the Council’s Intranet, to assess the Most Economically Advantageous Tender (MEAT). The Council’s <b><i>“MEAT Assessment Methodology”</i></b> is available here and on the Council’s Intranet.
MEAT Evaluation Assessment	The document that sets out the pre-determined weightings to be applied to the price and the quality of various aspects of the Tender and used to calculate the relative scores of all the Tenders received.
Nominated Sub-Contractors and Suppliers	Sub-contractors and suppliers that the Council requires a Works Contractor, Service provider or other Supplier to use to perform the Contract.
Official Order	A standard form of Contract placed with a Works Contractor, supplier, service provider or Consultant, that is usually issued through the Council’s Marketplace System or the Northgate Open Housing Management System (OHMS)
Parent Company Guarantee	A guarantee by the parent company of a Contractor in respect of the Contractor’s performance under its Contract with the Council, where the Contractor is a subsidiary of the parent company
Partnering Contract	A broad term used to describe a collaborative management approach that encourages openness and trust between the parties to a Contract. The parties become dependent on one another for success, which often requires a change in culture, attitude and procedures throughout the supply chain. Most commonly used on large, long-term or high-risk contracts, Partnering Contracts can be adopted for a one-off project, or can be a long-term relationship over a number of projects (such as a Framework Agreement).
Performance Bond	A means of insuring a Contractor against the risk of the Contractor failing to fulfil its contractual obligations to the Council. The Performance Bond provides compensation, guaranteed by a third party, up to the amount of the Performance Bond (which is typically set at 10% of the Total Contract Value), to enable the Council to overcome difficulties that have been caused by non-performance of the Contractor, such as, for example, finding a new Contractor to complete Works.
Portfolio Holder	A Councillor appointed by the Leader of the Council as a member of the

	Cabinet with responsibility for a particular portfolio of services, as set out in the Council's Constitution.
Post-Tender Negotiations	Discussions that take place with one or more Tenderers on price and/or other terms of the Contract or Specification after Tenders have been received and opened.
Practical Completion	The completion of all the Works required to fulfil a Contract.
Pre-estimate of Quantities	A Budget Holder's best estimate of the quantities of items relating to the Contract that will arise over the Contract Period, that are applied to rates submitted by Tenderers to produce an Estimated Tender Sum, which is used to compare the Tenders received from different Contractors.
Preferred Tenderer	A Tenderer that is being recommended to be awarded a Contract.
<b><i>"Procurement Process ("Regulation 84") Report"</i></b>	A requirement of Regulation 84 of the Public Contracts Regulations 2015, relating to procurements where the Total Contract Value is above the EU thresholds for EU Regulated Contracts, which is completed throughout the procurement process and is a written statement, in a defined format, that provides information on different aspects of the procurement and must be made available to Tenderers on request. A template for the <a href="#"><b><i>"Procurement Process ("Regulation 84") Report"</i></b></a> can be obtained here.
Professional Indemnity (PI) Insurance	A liability insurance that helps protect individuals and companies (usually Consultants) from bearing the full cost of defending a negligence claim in respect of professional advice provided to the Council by the Consultant.
Public Contracts Regulations 2015	Regulations made by the UK Government to exercise the powers given by the European Communities Act 1972, relating to procurements by public bodies in the UK and, in particular, for EU Regulated Contracts that are above the financial thresholds for Works, Supplies and Services Contracts referred to in the Regulations.
Retention	A percentage of the amount certified as due to a Contractor following their completion of a Contract, which is deducted from the amount due and retained by the Council. The purpose of holding a Retention is to ensure that the Contractor properly completes the activities required of them under the Contract.
Retention Period	The period during which a Retention is held by the Council.
Safeguarding	Ensuring the wellbeing of either adults with care and support needs or children in accordance with the requirements of the Care Act 2014 and the Children Act 2004 respectively.
Schedule of Rates	A list of prices provided by a Tenderer against items within a list produced by the Council for Tenderers to complete. The prices are multiplied by the Pre-Estimate of Quantities to produce an Estimated Tender Sum.



Select List	A list of selected Contractors to which Invitations to Tender are issued.
Services	<i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> In relation to public Contracts, means matters which have as their object the provision of services other than those defined as Works.
Short List	A list of Contractors that has been reduced, following a selection process, from a Long List of Contractors expressing an interest in receiving an Invitation to Tender. The Short List often then forms a Select List.
Specification	A document that sets out the detailed requirements of the Council for the undertaking or provision of Works, Supplies or Services, and forms an important part of the Tender Documents and the subsequent Contract issued to a Contractor.
Budget Holder	The officer designated by a Director as being responsible for a specified Council budget, from which payments for a Contract will be made, who is responsible for all aspects of the procurement process for a Contract and for complying with these Procurement Rules.
Supplies	<i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> In relation to public contracts, means a matter that has as its object the purchase, lease, rental or hire-purchase (with or without an option to buy) of a product or products.
Tender	A written tender, quotation or fee submission submitted by a Tenderer in accordance with these Procurement Rules, that sets out the Tenderer's proposed price for performing a Contract, together with any other information required by the Council and these Procurement Rules.
Tender Documents	A set of documents sent to Contractors with an Invitation to Tender, which explains the Council's requirements for a proposed Contract and includes documents to be returned to the Council for consideration
Tenderer	A person or organisation that is invited to submit a Tender to the Council.
Tender Evaluation Score	The score that results from a MEAT Evaluation Assessment of a Tender, which is used to rank Tenders in order of the Most Economically Advantageous Tender in terms of best price and quality. A Contractor with the highest Tender Evaluation Score is usually offered the Contract.
Tender Sum	The total price set out in a Tender that a Contractor would charge to perform the required Contract, before any Contract Extensions are applied. An Estimated Tender Sum is calculated where a Contractor prices a Schedule of Rates.
Tender Opening	A meeting between those designated within Appendix 1 to be present when Tenders received for a Contract are opened, and which must be held no earlier than the day after the Tender Return Date.
Tender Return Date	The time and date specified within an Invitation to Tender by which

	Tenders must be returned and received by the Council.
Total Contract Cost	The actual total cost of the Contract at the end of the Contract Period, after any Contract Extensions have been applied.
Total Contract Value	The total value of the Works, Services, and/or Supplies over the Contract Period, including all potential Contract Extensions to the initial Contract Period.
Works	<p><i>(According to Volume 1 of the EU Public Procurement: Law and Practice)</i> means the outcome of building or civil engineering works taken as a whole, which is sufficient in itself to fulfil an economic or technical function.</p> <p>In relation to public contracts, means matters which have as their object any one of the following:</p> <ul style="list-style-type: none"> <li>(a) The execution, or both the design and execution, of works related to one of the activities listed in Schedule 2 to the Public Contracts Regulations 2015;</li> <li>(b) The execution, or both the design and execution, of a work; and/or</li> <li>(c) The realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority “exercising a decisive influence on the type or design of the work”.</li> </ul>

Social Value matrix developed by Procurement and Contract Development Team

Social Value Measures			Council Priorities
Theme	Response		
Location	Are you based in Epping Forest District and / or in Essex?		EFDC then Essex based businesses
Business Type & Size	Are you an SME (Small or Medium Enterprise) or VCSE (Voluntary, Community and Social Enterprise)?		Support for SME and VCSE's
Supply Chain - Localism	Please provide an outline of who and where your key suppliers are located in relation to your operational base.		Encourage use of local suppliers. EFDC / Essex based suppliers. SME suppliers.
Employment	Employment of local people.		Council contracts support the employment and training of local people
	Does your organisation have any apprentices? <i>If yes please state the number of people on the scheme and the nature of their work.</i>		
Using renewable energy sources	Describe any initiatives or actions undertaken by your organisation in respect of these measures.  Please attach policies where appropriate.		Epping Forest District Council has declared a climate change emergency and is aiming to be carbon neutral by 2030.
Reduction of single use plastics			
Reducing waste & recycling, reusing materials wherever possible			
Support of the Voluntary and Community Sector	Please detail any in-kind contributions made to the third sector and local community. <i>E.g. Special rates or discounts, donations.</i>		Epping Forest District Council is committed to supporting the third sector operating in and for benefit of Epping residents.

**Social Value Weighting 10%\* (different weighting can be agreed with the Procurement and Contract Development Team)**

**Scoring Matrix**

<b>Council Priorities</b>	<b>Scored on</b>	<b>Max Score 60 (different scoring can be agreed with the Procurement and Contract Development Team)</b> <i>Weighted as 10%* of quality element</i>
Epping Forest District and Essex based businesses	Are you based in the Epping Forest District or in Essex?	10 – Epping Forest District OR 5 – Essex
Support for SMEs	Are you an SME or VCSE?	5 – SME or VCSE
Encourage use of local suppliers. Epping FD/ Essex based suppliers. SME suppliers.	Please provide an outline of who and where your key suppliers are in relation to your operational base.	10 – Across actions listed
Council contracts support the employment and training of local people	Employment of local people.	10 – Local workforce, participation in apprenticeship scheme.
	Does your organisation have any apprentices? <i>If yes please state the number of people on the scheme and the nature of their work.</i>	
Epping Forest District Council has declared a climate change emergency. Actions include: <ul style="list-style-type: none"> <li>- <i>Use of renewable energy sources</i></li> <li>- <i>Reduction in use of single use plastics</i></li> <li>- <i>Reduce, recycle, reuse</i></li> </ul>	Describe any initiatives or actions undertaken by your organisation in respect of these measures.  Please attach policies where appropriate.	5 – Across actions listed
Epping Forest District Council is committed to supporting the third sector operating in and for benefit of Epping residents.	Please detail any in-kind contributions made to the third sector and local community. <i>E.g. Special rates or discounts, donations.</i>	10 – Supporting voluntary/community sector AND/OR local community
Innovation to delivery of Social Value	Demonstrating a new and innovative way of providing social value to the Council or the wider community	10 – supporting the Council and the wider voluntary / community sector and / or local communities.

Please describe how any benefit you have stated will be implemented, and duration of the activity.

Please identify the person in your organisation who will be our contact to implement the benefit.

Name: Position: Email: Phone Number:
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# **Epping Forest District Council**

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## ***Procurement & Contracts Checklist***



**PLEASE NOTE: THIS CHECKLIST MUST BE USED FOR ALL SPEND OVER £25,000 OR ANY VALUE THAT WILL REQUIRE A CONTRACT TO BE PUT IN PLACE.**

**Procurement Exercise/Activity:** \_\_\_\_\_

<b>General Principles</b>	
<b>I have liaised with the Procurement and Contract Development Team before I begin to see what information they require to draw up a contract for this requirement if deemed necessary (this will include GDPR considerations).</b>	
I have checked that the Procurement and Contract Development Team has sufficient resource available to support me through my procurement exercise and contract drafting. Any additional funds needed to pay for appropriate levels of support should be included in your budget for the project.	
I have ensured that I have sufficient budget in place to cover the anticipated value of the requirement and any additional support required from the Procurement and Contract Development Team – either through confirmation from your Service Accountant and/or Cabinet Approval for additional budget.	
If the project will impact another department within the Council in any way (Hardware / Software / Licenses from ICT for example) I have ensured that they have been consulted with prior to proceeding.	
I have carried out some form of market testing, appropriate to the scale and scope of the procurement, to assess that interest exists amongst potential suppliers and to assist in the development of the specification.	
I have determined a realistic estimate of the total life cycle value of the goods, services or works I am procuring.	
I have considered any safeguarding issues where relevant and put appropriate processes in place.	
I have made enquiries to establish whether another department already has a contract for the services I am seeking to procure.	
I have made enquiries to establish whether an opportunity exists for joint procurement with another department.	
I have investigated whether a framework agreement exists for the services I am seeking to procure.	
I have ensured that, for any direct awards without competition, I am able to demonstrate how I am achieving best value for the Council.	
I have liaised with Business Support Finance to ensure they have all the information they need to support me (new supplier on Marketplace and Accounts Payable system, for example).	

Spend over £25k in value	
I have liaised with the Procurement and Contract Development Team before I begin to see what information they require to draw up a contract for this requirement.	
I have considered utilising the Essex Procurement Hub to manage this tender on my behalf (speak to the Procurement and Contract Development Team for more information).	
I have created a clear description of what is needed (specification). Ensure all relevant equality issues have been considered, using the equality questionnaire if appropriate.	
I have provided a reasonable estimated value of the procurement exercise to the Procurement and Contract Development team to ensure that all appropriate actions are taken prior to issue.	
I have included in the documentation a clear description of the criteria that will be used for evaluating the tenders and the maximum scores to be awarded for each item. As well as setting an appropriate price/quality split, Social Value and Sustainability criteria <b>must</b> be included in EFDC's Procurement processes wherever possible. Please speak to the Procurement and Contract Development Team for further guidance.	
In preparing this opportunity I have considered the economic, environmental and social benefits of the procurement in the District. If the tender is for the provision of services and the estimated value is above the EU Threshold I have documented the outcome of the team's discussions on this matter.	
I have liaised with Procurement and Contract Development Team to publish the requirement via the Council's e-Procurement portal and have invited at least five potential suppliers or advertised on Contracts Finder (see Procurement Rules for full requirement based on value of procurement). Details of the suppliers to be invited <b>must</b> be provided to the Procurement and Contract Development Team prior to issue.	
Wherever possible, I have invited at least two local suppliers (with headquarters in the Epping Forest District) to bid for the requirement. If unable to do so, the Procurement and Contract Development Team have been informed of the reasons for this.	
Any clarification requested received during the tender process were responded to, with the response being issued to all tenderers for information (this can be done on your behalf as part of the Procurement process – speak to the Procurement and Contract Development Team).	
I have ensured that I and at least one colleague have separately scored the tenders using the scoring mechanism set out in the documentation previously issued.	
I have selected the supplier achieving the highest score from the combined evaluations.	
I have written to or emailed all the tenderers notifying them of the outcome (this can be done on your behalf as part of the Procurement process – speak to the Procurement and Contract Development Team).	
I have adhered to the requirements of EFDC's Procurement Rules and Financial Regulations.	

**DECLARATION**

I confirm that the above checklist and all associated actions included have been undertaken as part of this procurement exercise.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Job Title: \_\_\_\_\_

**ONCE COMPLETE, PLEASE RETURN TO EFDC'S PROCUREMENT AND CONTRACT DEVELOPMENT TEAM**

## **Report to the Cabinet**

**Report reference:** C-046-2020/21  
**Date of meeting:** 03 December  
2020



**Epping Forest  
District Council**

**Portfolio:** Environmental and Technical Services – Cllr N Avey  
**Subject:** Covid 19 Development Projects - Travel Local Demand Responsive Transport (DRT) trial  
**Responsible Officer:** Qasim (Kim) Durrani (01992 564055).  
**Democratic Services:** Adrian Hendry (01992 564246).

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

- (1) That continued subsidy payments to Essex County Council for operation of Bus 87 is not sustainable and as agreed by Cabinet on 19 October the outcome of Travel Local initiative of Covid 19 Recovery projects be progressed further;**
- (2) To agree allocation of £26,574 from the Sustainable Travel Projects for a three month trial of a Demand Responsive Transport (DRT) bus service to be operated by Epping Forest Community Transport (EFCT) and to include as much of the current Route 87 as is feasible; and**
- (2) A further report be presented to Cabinet with the outcomes of the DRT trial and opportunities to extend the DRT service to other parts of the District to improve connectivity.**

### **Executive Summary:**

Earlier in the year the Council agreed to part fund operation of Bus Route 87 service with Essex County Council when the commercial operator Arriva was unable to operate it as a commercially viable option. This was initially done on a six month basis from 1 April 2020, however due to the impact of Covid-19 this was extended by another three months up to 31 December 2020. Covid-19 has compounded the commercial viability of this service as fewer people are using the bus, however, it remains popular within the Loughton area and between Epping Station and Staple Tye and Central Harlow.

It is proposed that instead of extending the subsidy the money could be better utilised in trialing a 'hybrid' Demand Responsive Transport (DRT) service with Epping Forest Community Transport (EFCT). This is a pre booked peak hours service where passengers can check the route, availability and decide to book a seat if they so wish. Off peak, a traditional timetabled service would run, with acceptance of concessionary passes (but subject to Covid-19 vehicle occupation rules).

Early discussions with EFCT have been very encouraging. They have provided a DRT service (booked by phone) to Princess Alexandra Hospital during the peak Covid-19 earlier in the year and are keen to work with the Council and trial a DRT in the District.

However, due to the uncertainty over demand and the costs associated in setting up a DRT it is necessary to have budget to carry out a trial. If successful it could be self-financing and could service as a baseline for introducing in other parts of the District. For avoidance of doubt any passengers wishing to use the new service will be charged the same fares as the current operator Arriva.

We will make best endeavours to trial as many (D)igital-DRT features offered by Arriva Click et al as possible. However, certain aspects may be hard to replicate fully on cost, timescale, vehicles or technology grounds.

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

To seek funding for a trial DRT service which could be self-financing in future.

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

It is not sustainable to continue to subsidise the non-commercially viable Bus Route 87 and the Council could stop this subsidy which may cause some reputational risk to the Council by disconnecting parts of the District from Harlow and the Princess Alexandra Hospital.

#### **Report:**

1. Bus Route 87 is operated by Arriva Herts and Essex. They are a national operator with multiple bus routes across Essex and Hertfordshire. This service stops at 12 primary bus stops plus other less busy ones in the District: Epping Green, Epping Town, Theydon Bois, Debden and Loughton. The service connects these towns and villages with the Central Line and thus offers a sustainable travel route to London. Due to lack of financial profitability of the route Arriva gave a notice of termination of the service to ECC and the Transport Commissioner in Autumn of 2019.
2. The Council took the view that termination of this service will adversely impact current bus users, reduce even further the connectivity between some of the towns and villages in the District especially severing the link these communities have with the Central Line and the Princess Alexandra Hospital. It was agreed that ECC and EFDC jointly fund the provision of the current service for 6 months up to 30 September 2020. This would have allowed time to explore other options for better connectivity between the various urban and rural areas served by this route and if feasible other areas of the District. Unfortunately, due to Covid-19 usage of this service has continued to decline.
3. Cabinet received an update on a Travel Local initiative under the Covid 19 Recovery projects at its meeting on 19 October 2020. This is one of the initiatives to provide local travel options for more distant villages and towns off the underground route and thereby support local training, employment and shopping, build upon Covid 19 secure sustainable public transport services.
4. Officers have been considering various proposals and following discussions with ECC and private providers it has been established that Epping Forest Community Transport (EFCT) could prove to be a viable partner. EFCT provided a DRT service during the peak of the Covid 19 Pandemic when commercial operators were unable to safely operate services. EFCT played a key role in enabling key NHS workers to get to Princess Alexandra Hospital, Harlow and St Margaret's Epping and have been running a closed user group commuter service for Merck Sharpe & Dohme staff following their relocation to Broxbourne.
5. Following discussions with EFCT it has been established that they can provide a

public DRT service along the current bus route 87 as well as enabling others like Princess Alexandra Hospital or EFDC staff to take advantage of the DRT service. This DRT service will be in the form of pre booked cashless service where users will ring the EFCT contact centre and book a space before the journey. It is intended to expand the bookings to electronic means, for example with an App or website and this facility may launch during the trial period as EFCT have much of the underlying technology.

6. The intention is for the DRT service to be offered to EFDC staff which will increase sustainable travel options for staff coming to the Civic Offices in Epping. This will reduce reliance on car commuting, which will help with traffic congestion, air pollution and free up car parking spaces in Epping. Estimates from the staff home location analysis suggests that approximately 60 staff live within a reasonable walking distance of a stop served by the current 87 bus. However, due to current Covid-19 restrictions, there is a reduced expectation that staff return to the Civic Centre in significant numbers during Q4. This does reduce potential usage and places extra reliance on NHS staff and other early commuters to use the DRT service.

7. Usage of Route 87 was declining over the years and Covid 19 has impacted it even further. This makes it difficult to plan a DRT service and an adequate fare structure. If NHS and EFDC staff start using the service then it is possible that it will become self-sustaining. However, EFCT need a financial commitment to enable them to put the necessary measures in place. For avoidance of doubt the new service will have the same fares as the current service operated by Arriva.

8. If DRT is proven to be successful it could be rolled out to other parts of the District. A move away from single car occupancy journeys will help the wider environment and greatly benefit the air quality challenges faced by Epping Forest. If the Q4 trial is successful, we will explore lower or zero emission vehicles over a wider range of settlements. EFCT minibuses are all Euro 6 standard which at least meet London ULEZ requirements. The route passes adjacent to two sections of the Forest itself at Theydon Bois and Loughton Road, but would not use the A104/Wake Arms route. Success will mean an increased opportunity for greener sustainable travel for staff, residents, workers and visitors.

9. The trial will help us and ECC better understand the commercial dynamics and best practice in running a DRT service on a larger scale. Key local plans sites such as HGGT, North Weald and the Dowding Way employment site are all likely to feature (D)-DRT in some form or other as a sustainable transport solution. It should be noted that this is still an evolving transport solution and some trials and services have not succeeded commercially (eg Arriva Click's Sittingbourne & Kent Science Park service). We will keep a careful eye on comparable services elsewhere to identify key success factors.

10. If as predicted the demand responsive service successfully encourages an increase in use over the previous 87 bus service through use by additional hospital staff and Epping Forest DC staff, this would carry added benefits. Mainly a reduction in traffic potentially driving through the Epping Forest SAC area from the south of the District into Epping reducing emissions through less cars on the road and also less queuing traffic. This would be most beneficial at congested sites such as Bell Common (current Air Quality Management Area) and Wake Arms Roundabout (within EFSAC).

11. This approach is still novel for Essex and has attracted interest from ECC and operators which may improve chances of bids for future funding by DfT, Innovate UK etc who have both launched research schemes looking at rural transport solutions. At the start of the trial EFCT propose two vehicles, running between PAH, Harlow Bus Station into Epping/Debden returning from Debden/Epping to PAH, Harlow Bus Station. However, the DRT service may only need to use one minibus initially, depending on the demand.

Conversely, a third vehicle could be deployed for DRT service if demand is very high and fare revenue supports it.

12. During the two month period in June and July 2019 a total of 20,083 passenger journeys were made generating a revenue of £20,544. For the same period in 2020 the corresponding figures are: 7,638 and £8,572. This represents a circa 60% drop, which is not surprising given the challenges around Covid-19. However this does offer the opportunity of providing viable alternative travel options for EFDC staff, NHS and other workers who live or work along the DRT route and have to continue working onsite throughout the crisis.

13. During the trial period the service will run at the same frequency at off peak times as the current Arriva Route 87 service and will be supplemented by a bookable DRT service during peak commuter times. It will be very important to carry out internal and external communication around the DRT to exploit the opportunities this offers for residents, visitors and commuters. In addition, ECC and Arriva themselves will be publicising the cessation of the 87 in its current form from late November, so we must coordinate such that affected residents know that a replacement service is being planned, even if the exact details are not confirmed at that time. As a minimum, we propose an EFDC web page with the opportunity for current 87 users to register for updates on the replacement service and to give customer satisfaction and other survey feedback.

### **Resource Implications:**

Since the start of this financial year the Council has contributed of £75,000 to ECC for keeping the Route 87 service operational. It is recommended that instead of ongoing subsidy the following, one off and ongoing financial commitment be made to EFCT for a trial DRT service from 1 January to 31 March 2021.

#### One off set up cost:

Card Machine/machines (contactless payment)	£98 (49 each handset for two buses)
Marketing the service	£352
Driver training & uniform	£240
Register service Traffic Commissioner	£52
Flexiroute upgrade passenger app	£1500 per year
Total:	£2,242

#### Ongoing operating cost:

Operating cost per Driver/Bus route (2 drivers' covering a 12hr shift)	£19,332 (£6,444 per month)
Marketing (including digital and social media)	£2,000
Contingency / Risk	£3,000
Total:	£26,574

As stated elsewhere in the report, the costs will be offset against any income generated as per the fare table below. Fares which will be the same as current Arriva 87 fares. Single fares are shown below, but return fares offer 25-35% discount on two singles (for example, Harlow to Epping Station return = £5.20 versus two £3.50 single fares). Concessionary passes/fares will be accepted under normal ECC T&Cs.

### **Single Fares (Fare Stages shown – additional stops exist)**





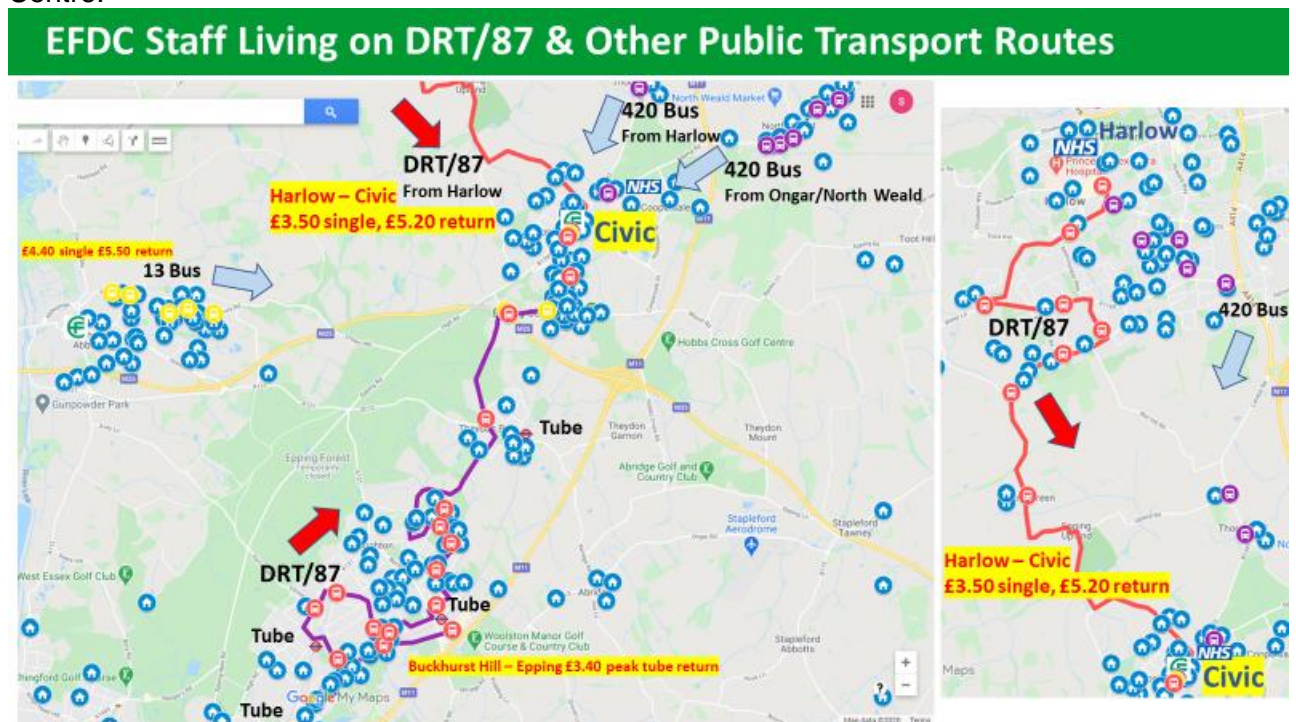
## Background Papers:

Covid 19 Development Projects Update

## Risk Management:

The Council is not responsible for operating or funding public transport. However it decided to share the funding with ECC to keep the Bus Route 87 operating when Arriva could not operate it as a viable commercial service. If the Council decides to stop this funding then the service will cease to exist from 31 December 2020. This could adversely impact a number of users of the service and could lead to criticism for the Council. This can be mitigated by conducting a trial DRT service, which costs slightly more than the Quarterly subsidy Council was paying, if proven successful then this could lead to other DRT routes being operated across the District.

The map below shows approximate EFDC staff home locations in relation to current route 87 bus stops, plus other direct Public Transport options to Epping & the Civic Centre.



# Due Regard Record

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

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

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# 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: **Environmental and Technical Services**

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: No

Title of policy or decision: Development of Licensing arrangements for Pavement Licence applications

Officer completing the EqlA: Tel: 4055 Email: qdurrani@eppingforestdc.gov.uk

Date of completing the assessment: 27/10/2020

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p><b><i>Yes a new policy</i></b></p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p><b><i>To agree to fund a trial Demand Responsive Transport (DRT) service along the current Bus Route 87</i></b></p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p><b><i>Work with Essex as a Transport Authority and Epping Forest Community Transport to trial a Demand Responsive Transport (DRT) service which will link some of the current Bus Route 87 communities. Provide a sustainable travel alternative to NHS, key workers, EFDC staff as well as residents. Route 87 in its current form will be ceasing at the end of 2020 as ECC feel they cannot justify subsidising it on grounds of low and declining usage.</i></b></p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users – <i>yes local bus route users</i></li></ul> <p>Will the policy or decision influence how organisations operate?</p> <p><i>No</i></p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p><i>No</i></p>
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><b><i>Yes it is linked to the Covid 19 Development Projects</i></b></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).

3.1	<p>What does the information tell you about those groups identified?</p> <p><b><i>Bus Route 87 offers connectivity between Harlow Town, Epping Green, Epping Town, Theydon Bois, Debden and Loughton. Unfortunately due to Covid 19 restrictions it has not been possible to get qualitative data on bus users. It is likely that residents could be using the service for visit to Princess Alexandra Hospital, Harlow as well as students heading for Harlow College, New City College or East 15 acting school. SW Harlow commuters heading for Epping tube station appear another significant element of usage. Similarly it is likely that students and visitors from Harlow could be using the bus route to visit Epping Forest District or to travel beyond.</i></b></p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p><b><i>Due to Covid restrictions and time limitations it has not been possible to carry out a wider consultation. It is intended that the trial will enable Epping Forest Community Transport to carry out impact assessment. Cessation of the current service 87 would leave many residents heading for Harlow needing to change buses at Epping, unless the proposed DRT service is launched.</i></b></p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>N/A</p>



## 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 Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	<p>Neutral</p> <p>This service should make a positive impact on the elderly if they wish to travel within and out of District to Harlow. Concessionary passes will be accepted at all times where allowed on the public bus network.</p> <p>The aim for cashless operation and the use of online and smartphone booking has been considered. Journey booking by phone will still be allowed by those without internet access and concessionary pass use is cashless.</p>	L
Disability	Neutral (wheelchair-accessible vehicles)	L
Gender	<p>Neutral</p> <p>This service will operate on the same policy and guidelines for customers of all gender</p>	L
Gender reassignment	<p>Neutral</p> <p>This service will operate on the same policy and guidelines for customers of all gender</p>	L
Marriage/civil partnership	<p>Neutral</p> <p>This service will operate on the same policy and guidelines for all customers</p>	L
Pregnancy/maternity	Neutral	L

Race	Neutral This service will operate on the same policy and guidelines for all customers	L
Religion/belief	Neutral This service will operate on the same policy and guidelines for all customers	L
Sexual orientation	Neutral This service will operate on the same policy and guidelines for all customers	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	
			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.

**Section 7: Sign off**

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

Signature of Head of Service: Qasim (Kim) Durrani

Date: 27/10/2020

Signature of person completing the EqlA: Qasim (Kim) Durrani

Date: 27/10/2020

**Advice**

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

## **Report to the Cabinet**

**Report reference:** C-048-2020/21  
**Date of meeting:** 03 December  
2020



**Epping Forest  
District Council**

**Portfolio:** Housing & Community – Cllr Holly Whitbread  
**Subject:** Asbestos Policy 2020.  
**Responsible Officer:** Kurtis Lee (01992 562681).  
**Democratic Services:** Adrian Hendry (01992 564246).

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

- (1) That, following consultation with the Councils Leadership and Senior Management Teams and Corporate Health and Safety Officers and endorsement by the Tenant and Leaseholder Panel the Councils Asbestos Policy 2020 be adopted; and**
- (2) The aims of the Policy Statement, to effectively manage all asbestos containing materials in Council owned and managed properties in such a manner as to minimise the risk of any person being exposed to asbestos fibres be approved; and**
- (3) That, the targets of the Asbestos Management Plan and the Asbestos Register detailed in the Asbestos Policy 2020 be approved.**

### **Executive Summary:**

On 21<sup>st</sup> September 2020 consultation was undertaken with the Councils Leadership and Senior Management Teams and Corporate Health and Safety Officers who considered a draft Asbestos Policy 2020 on asbestos containing material located in Council owned and managed properties.

Following consultation, Epping Forests Tenant and Leaseholder Panel at its 14<sup>th</sup> October 2020 meeting considered the draft Asbestos Policy 2020 and recommended its endorsement to Cabinet.

Its adoption is a key decision as the Asbestos Policy 2020 sets out the lines of responsibility, principles and guidelines that the Council will apply in the management, removal and disposal of asbestos containing material.

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

An approved Asbestos Policy 2020 will provide detailed arrangements and procedures that the Council will use to ensure compliance with the Control of Asbestos Regulations 2012, identifying the lines of responsibility around a robust framework of measures minimising the risk around asbestos and asbestos containing material in Council owned and managed properties.

## **Other Options for Action:**

Not to follow the recommendations of the Tenant and Leaseholder Federation and not endorse the Asbestos Policy 2020.

## **Report:**

1. The Asbestos Policy 2020 sets out how the Council will manage, so far as reasonably practicable, all asbestos containing materials falling under its control in such a manner as to minimise the risk of any person being exposed to asbestos fibres. The policy identifies the roles and responsibilities of persons who have a responsibility for implementing the requirements and objectives that are outlined in the policy.
2. The policy recognises the Councils 'duty to manage' asbestos containing material located in the non-domestic elements of its housing stock and its operational properties to protect anyone using or working in Council owned or managed properties from the risks to health that exposure to asbestos causes. The policy has set out a clear Asbestos Management Plan with actions that ensure the Councils 'duty to manage' asbestos containing material will be met with;
  - the priorities of the Asbestos Management Plan clearly set out;
  - a set of Asbestos Management Plan Targets;
  - a Communication Plan based around an Asbestos Register;
  - how the Councils tenderers and contractors are informed about asbestos containing material;
  - how procedure for undertaking maintenance works on Council owned and managed properties;
  - an Emergency Procedure following an un-controlled asbestos fibre release;
  - information on suspected or asbestos containing material available to Council tenants and residents of Council owned and managed properties.
3. Full consultation with the Councils Leadership and Senior Management Teams and Corporate Health and Safety Officers of the Asbestos Policy 2020 ensures the aims and objectives of the Asbestos Management Plan are understood and acted upon at all management levels within the organisation.
4. The policy also details how the Council will meet its 'duty to ensure' that any work carried out by Council employees or its contractors on Council owned or managed properties is undertaken in compliance with the Control of Asbestos Regulation 2012.
5. To comply with the 'duty to ensure' the Council shall, as far as reasonably practicable, identify the location of all asbestos or suspected asbestos containing materials and ensure that the risks posed are suitably risk assessed and that adequate control measures are implemented to ensure that asbestos fibres are not released.
6. The Asbestos Management Plan includes the procedure for maintaining an up to date Asbestos Register which records the details of, the location and the condition of asbestos or suspected asbestos containing material on Council owned and managed properties.
7. Asbestos data is recorded on the Asbestos Register and referenced against each Council owned or managed property, this allows property specific information on



suspected and asbestos containing material information to be made available to Qualis Management, staff, external contractors, tenants of Council properties and other persons who may potentially disturb or damage asbestos or suspected asbestos containing material when undertaking work in a Council property.

8. The Asbestos Management Plan details how the Asbestos Register is accessed and information on suspected and asbestos containing material is made available and communicated to Qualis Management the Councils housing repairs contractor, all employees, contractors, subcontractors, consultants, Council tenants and staff.
9. Tenants and residents of Council owned and managed properties are provided with facts about asbestos, the probable location of asbestos or suspected asbestos containing material, how to manage it and how to get advice contained in the Councils 'Asbestos in the Home' booklet shown in Appendix 11.1 of the Asbestos Policy 2020.
10. The policy will be reviewed annually by the Service Manager – Property Maintenance or if new legislation or guidance is published, or existing legislation or guidance is updated.
11. A formal review of the Asbestos Policy 2020 will be undertaken in consultation with the Epping Forest Tenants and Leaseholders' Panel in five years.

#### **Resource Implications:**

The resource implications of implementing the work on asbestos containing material products in accordance with the Asbestos Policy 2020 is funded from a combination of budgets for Asbestos Removal, Void Asbestos Removal and Asbestos Surveys which are currently allocated within the existing Capital Programme 2020-21 is £222,000. Expenditure will be limited to the existing Asbestos Removal budget within Capital Programme 2020-21.

Revenue Expenditure on asbestos testing is estimated at £4,000.00 per annum for next five years the sum identified within the Housing Revenue Account.

The staffing resource implications associated with asbestos management, asbestos inspections, maintaining the Asbestos Register and communications with tenants, occupiers and contractors are undertaken within existing staffing structure.

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

The Asbestos Policy 2020 will provide detailed arrangements and procedures that will ensure compliance with the Control of Asbestos Regulations 2012.

The policy will ensure that works that involve the removal or encapsulation or other activities that will lead to the release of asbestos fibres, regardless of asbestos type, will only be carried out by organisations licensed to carry out such works by the Health and Safety Executive.

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

Safer, ensuring the removal and disposal of asbestos containing material from Council owned and managed properties is carried out in line with current Health and Safety Legislation.

Safer for the Council ensuring information on suspected and asbestos containing material is made available and communicated to Qualis Management the Councils housing repairs

contractor, all employees, contractors, subcontractors, consultants, Council tenants and staff.

**Consultation Undertaken:**

Consultation of the draft Asbestos Policy 2020 was undertaken with the Councils Leadership and Senior Management Teams, Corporate Health and Safety Officers and endorsed by the Tenant and Leaseholder Panel.

**Background Papers:**

None

**Risk Management:**

The Asbestos Policy 2020 reduces the risk of an uncontrolled asbestos fibre release by identifying and providing information on asbestos or suspected asbestos containing material to people who come in contact with the product.

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The priority for the removal of asbestos containing material work is based on the identification of asbestos in the building elements of the home rather than the individual characteristics of the occupants.

# 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
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - 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 or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
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: Housing and Property Services.

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: Acceptance of the Asbestos Policy 2020.

Officer completing the EqIA: Tel: Kurtis Lee  
Email: [klee@eppingforestdc.gov.uk](mailto:klee@eppingforestdc.gov.uk)

Date of completing the assessment: 3<sup>rd</sup> November 2020.

## Section 2: Policy to be analysed

2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>This is a change and an update on the Corporates Asbestos Policy</p>
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To ensure compliance with the Control of Asbestos Regulations 2012 and the recommendations of the Health and Safety Executive in the management, removal and disposal of asbestos containing material.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Reducing the risks in working on or near asbestos containing material by identifying and removing asbestos containing material before commencing work providing a safe working environment for trades operatives, tenants and their neighbours.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"><li>• service users</li><li>• employees</li><li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li></ul> <p>Yes – it will provide safe and secure homes for Council tenants and ensure the safe disposal of hazardous material.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>

2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
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 Council recognises its duty to comply with the Control of Asbestos Regulations (CAR) 2012 and other relevant legislation and the requirement to provide a safe working environment while undertaking maintenance repairs, servicing and major works programmes.</p> <p>Appointing Health &amp; Safety Executive licensed asbestos removal contractors and sub-contractors, with appropriate equipment and working procedures to fully comply with Health and Safety Executive Guidance Notes and recommendations is essential to ensure the safe removal and disposal of asbestos containing material.</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).

3.1	<p>What does the information tell you about those groups identified?</p> <p>The works are undertaken on Council owned properties and will not affect individual groups of the population. The priority for works is based on the discovery and the condition of asbestos containing material in the property rather than the individual characteristics of the occupants.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Not required.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>Community engagement is not required as the work is undertaken within Council owned properties.</p>

## 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 Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive; The work will have a positive effect on all of the identified equality groups as both the tenants, neighbours and visitors to Council owned and managed properties will benefit from effective asbestos management and the safe removal and disposal of asbestos containing material.	M
Disability		M
Gender		M
Gender reassignment		M
Marriage/civil partnership		M
Pregnancy/maternity		M
Race		M
Religion/belief		M
Sexual orientation		M

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	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.





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# Asbestos Policy

2020

**Housing and Property Service**

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## 1. Purpose

- 1.1. To effectively manage all asbestos containing materials across Epping Forest District Council's property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable.
- 1.2. To ensure asbestos works are properly scoped, serviced and managed in accordance with legal requirements and best practice.

## 2. Policy statement

- 2.1. Epping Forest District Council will manage, so far as reasonably practicable, all asbestos containing materials (ACMs) falling under its control in such a manner as to minimise the risk of any person being exposed to asbestos fibres. The Council will aim to achieve this policy by:
  - Detailing the arrangements and procedures that the Council will use to ensure compliance with the Control of Asbestos Regulations 2012;
  - Identifying and managing Asbestos Containing Materials (ACMs) within relevant buildings. Where it is not reasonably practicable to identify ACM, for example ACM that may be located in inaccessible areas, then the Council will presume that asbestos is present and manage accordingly;
  - Risk assessing each identified ACM, taking into account the likelihood, and the likely number of people that might be exposed, in the event of an uncontrolled release of asbestos fibres;
  - Implementing appropriate control measures to reduce the risk of exposure of people to asbestos fibres from each ACM. The following general principles will be applied:
    - where ACM is assessed as being in good condition then this will generally be left in situ and managed.
    - where ACM is assessed as posing a risk to health it will be, so far as is reasonably practicable, removed or encapsulated.
    - where removal or encapsulation is not reasonably practicable then access to the ACM will be managed to reduce the risk of exposure to as low as is reasonably practicable.
  - Implementing a system of monitoring of each remaining ACM at intervals determined by risk assessment;
  - Carrying out a Refurbishment and Demolition survey as an integral part of the planning process for any refurbishment or demolition works carried out in Council owned, managed or occupied premises;
  - Planning, managing, delivering and monitoring all work that could result in the release of asbestos fibres. In the case of works that involve the removal or encapsulation or other activities that will lead to the release of asbestos fibres, regardless of asbestos type, these will only be carried out by organisations licensed to carry out such works by the Health and Safety Executive (HSE);
  - Devising and implementing emergency procedures to reduce the risk of exposure of people to as low as is reasonably practicable in the event of an unplanned and/or uncontrolled release of asbestos fibres;
  - Providing suitable and sufficient information, instruction, training and supervision to employees and contractors to reduce the risk of uncontrolled release of asbestos fibres as low as is reasonably practicable;
  - Providing all relevant asbestos safety information and maintain dialogue with our customers and work pro-actively in conjunction with our contractors; and

- Reviewing this policy and any associated procedures at regular intervals, or following any uncontrolled release of asbestos fibres, to ensure that it is working efficiently and effectively.

### **3. Roles and responsibilities**

#### **3.1. Duty Holder – Chief Executive**

- 3.1.1. Overall day-to-day responsibility for health and safety matters at Epping Forest District Council and the implementation of this policy. The Chief Executive shall ensure that appropriate resources and systems are in place and that senior managers and other staff adequately discharge their duties in accordance with this policy.

#### **3.2. Responsible Person – Chief Operating Officer**

- 3.2.1. Responsible for ensuring the objectives outlined within the Asbestos Policy and the Asbestos Management Plan are understood and acted upon at all levels within the organisation.
- 3.2.2. Ensure that planning, budgets and resources are available in order to enable strategic and operational objectives to be accomplished, as far as reasonably practicable.

#### **3.3. Responsible Person – Service Manager Property Maintenance**

- 3.3.1. Responsible for the day-to-day management of all asbestos matters associated with building fabric, services and infrastructure.
- 3.3.2. Responsible for the division of roles and responsibilities and for ensuring that an Asbestos Management Plan is developed, implemented and reviewed.
- 3.3.3. Responsible for ensuring the objectives outlined within the Asbestos Policy and the Asbestos Management Plan are understood, communicated and acted upon by persons under their control.
- 3.3.4. Overall responsibility for the management of risks associated with exposure to asbestos, by ensuring:
  - All Council properties constructed prior to 2000 are subject to a management survey;
  - A record of all identified and/or presumed ACM is maintained and is available for inspection as and when required;
  - All ACM identified within management surveys is risk assessed in accordance with HSE approved methods. This will include consideration of the type, location, condition and extent of any ACM and the likelihood and severity of any potential disturbance and uncontrolled release of fibres;
  - Control measures identified by ACM risk assessments are implemented, as appropriate;
  - Suitable and sufficient resources, including access to competent asbestos advice and management, are available;
  - A suitable and sufficient “Refurbishment and Demolition” survey is carried out, as part of the project planning process for all invasive works on relevant building fabric, services and infrastructure;
  - Asbestos risks associated with works notified to Property Maintenance by other parts of the Council are assessed and that suitable and sufficient control measures are identified and implemented;

- Suitable and sufficient asbestos information, instruction, training and supervision is made available to any person who may potentially be exposed to an uncontrolled release of asbestos fibres;
- Records are maintained of all asbestos-related information, instruction and training provided to Council employees and contractors;
- Suitable and sufficient emergency procedures are developed and implemented to reduce risks to persons as low as reasonably practicable following an uncontrolled release of asbestos fibres;
- Emergency procedures are communicated, as appropriate, to others;
- The written Asbestos Management Plan (AMP) is reviewed, at least annually to ensure that risks associated with ACM are being managed effectively; and
- Progress in ensuring risks of exposure to asbestos fibres are being managed is reported to the Council's Health and Safety team.

### **3.4. Asbestos Coordinator – Team Manager Operational Assets and Compliance**

3.4.1. Responsible for the implementation of the Asbestos Management Plan including the:

- Distribution of information;
- Co-ordination of Corporate and individual training requirements;
  - Asbestos Awareness Training;
  - Asbestos Management;
- Instigation of management procedures;
- Liaison between management and employees;
- Recording of incidents or complaints which may affect the Asbestos Policy Statement or Asbestos Management Plan;
- Reporting under RIDDOR regulations, informing and liaising with the Councils Health and Safety Officer; and
- Review of Asbestos Policy and Asbestos Management Plan.

3.4.2. Responsible for the day to day functioning of the Asbestos Management Plan and implementation of routine on-site procedures including:

- Maintenance procedures;
- Contractor control;
- Permits to work;
- Re-inspections;
- Emergency procedures;
- Ensuring copies of the Site Asbestos Survey Report and relevant information relating to asbestos surveys / re-inspections is updated and available to all concerned; and
- Instigation of further asbestos surveys and re-inspections, as and where required.

3.4.3. Responsible for the implementation of on-site procedures for planned works including:

- Review of the Asbestos Register;
- Instigation of further asbestos surveys, where required;
- Re-inspections of the asbestos materials;
- Ensuring relevant information is provided to relevant persons relating to policy, management plan and changes relating to the management of asbestos; and

- Centralising the filing system with new surveys, re-inspections, changes to asbestos infrastructure and any other information that is critical in providing relevant information to all.

### **3.5. Deputy Asbestos Coordinator – Principal Building Surveyor – Operational Assets and Compliance**

3.5.1. Responsible for maintaining and updating data and records relating to asbestos materials and associated works through:

- Inspection and monitoring of retained asbestos materials;
- Update of asbestos registers;
- Recommend action plans;
- Consult on, manage and monitor asbestos related works;
- Advise client on statutory requirements; and
- Review and updating of the Asbestos Policy Statement and Management Plan.

### **3.6. Property Maintenance staff**

3.6.1. Specific members of the Property Maintenance team have day-to-day responsibility for co-ordinating works associated with the management of asbestos. This will include:

- Manage actions where known or presumed ACM is assessed as posing risks to health;
- Ensure that work is undertaken in accordance with the Contractors Permit to Work system or other agreed safe system(s) of work;
- Ensure the planning of works includes a check of existing asbestos survey information and where necessary the commissioning of a suitable asbestos survey as a standard;
- Ensure that all consultants and contractors undertaking works on building fabric and services are competent to do so, have received the required information, instruction, training and supervision to undertake these works in accordance with the Council's health and safety policies, procedures and specifications;
- Co-operating with Duty Holders and responsible persons to ensure that asbestos safety is not compromised, and that Duty Holders can fulfil their duties;
- Ensuring that the planning phase of all works on building fabric and services falling under their control includes a suitable asbestos survey;
- Co-ordinate project information with the relevant contractors in sufficient time to enable the appropriate asbestos surveys to be undertaken during the project planning phase;
- Ensure that all contractors falling directly under their control have received suitable and sufficient information, instruction, training and supervision to enable them to undertake the works in accordance with the Council's Health and Safety policies, procedures and specifications;
- Ensuring that no work which could result in the release of asbestos fibres is allowed to be started on any project until there is appropriate asbestos information in place;
- Ensuring that all asbestos surveys, removal information and the results of any air monitoring are recorded on the Property Maintenance Asbestos Register database;

- Advising Duty Holders and Responsible Persons in writing, as soon as possible, of any issues that may arise which lead them to reasonably believe that they will not be able to fulfil their asbestos safety duties;
- Ensure that all work i.e. clearance certificates, plans of work, waste consignment notices, air monitoring as necessary, four stage air clearance certificates and reoccupation letters is completed as appropriate;
- Maintain and update the Property Maintenance Asbestos Register database; and
- Where reason arises to suspect that the Asbestos Policy is, in part or in whole, no longer valid, bring this to the attention of the Responsible Persons to ensure that the plan is reviewed and, where necessary, revised.

### **3.7. Contractors**

3.7.1. All contractors employed by the Council must be able to demonstrate their commitment to Health and Safety best practice and fully comply with the Council's policies.

3.7.2. Contractors are responsible for ensuring they comply with this Policy when undertaking any activity within the Council's properties.

3.7.3. Contractors will, if required, evidence that they provide suitable and sufficient training for their staff in asbestos awareness and non-licensed work activities in accordance with the Control of Asbestos regulations 2012 and the Task Essentials Guide HSG210.

3.7.4. On all projects, contractors shall:

- Plan, manage and monitor their own work and that of their workers;
- Check the competence of all their appointees and workers;
- Train their own employees;
- Provide information to their workers; and
- Ensure that there are adequate welfare facilities for their workers.

3.7.5. Where projects are notifiable under the Construction Design and Management Regulations, contractors must also:

- Check that the client is aware of their duties, check that a CDM co-ordinator has been appointed and ensure that the HSE has been notified before the work starts;
- Co-operate with the principal contractor in planning and managing work, including reasonable directions and site rules;
- Provide details to the principal contractor of any contractor engaged in connection with carrying out work;
- Provide any information needed for the health and safety file;
- Inform the principal contractor of any problems with the plan; and
- Inform the principal contractor of reportable incidents.

### **3.8. General Employees and Visitors**

3.8.1. To co-operate with the Council in the application of the Asbestos Management Plan by:

- Adhering to Asbestos related signage located across the Council;
- Informing management of damaged or disturbed asbestos materials;
- Not disturbing suspect or known asbestos materials unless undertaking specific asbestos removal / remediation work;



- Ensuring adherence to information, instruction and training where provided;
- Consulting the Site Asbestos Survey Report; and
- Complying with permit to work procedures and health and safety requirements.

#### **4. Managing the Asbestos Policy**

- 4.1. The Council has a 'duty to manage' the non-domestic elements of its housing stock and its operational properties to protect anyone using or working in the premises from the risks to health that exposure to asbestos causes. It has a duty to ensure work carried out by its contractors within all its properties complies with the Control of Asbestos Regulation 2012.
- 4.2. The Council shall, as far as reasonably practicable, identify the location of all ACMs or materials presumed to contain asbestos and ensure that the risks posed are suitably risk assessed and that adequate control measures are implemented to ensure that asbestos fibres are not released. These will include:
  - All work which could, or could potentially, give rise to the release of asbestos fibres is planned, implemented, monitored and reviewed to eliminate, so far as reasonably practicable, the risk of asbestos fibre release;
  - Where risk elimination is not practicable, the Management Plan for the project should detail how these risks will be controlled to reduce asbestos fibre release to a tolerable level, and in any case below proscribed control limits and action levels;
  - These procedures include a means for ensuring that employees, residents and occupiers are advised of any risks associated with ACM and are consulted in a timely manner on any planned works on ACM;
  - These procedures include a means for ensuring that contractors, subcontractors, consultants and surveyors are consulted in a timely manner and provided with all suitable and sufficient information regarding the location of ACM within the property; and
  - Only trained persons, competent in the Control of Asbestos Regulations 2012 will be employed to work on Council projects.
- 4.3. This Policy will be made available to Qualis Management the Councils housing repairs contractor, all employees, contractors, subcontractors, consultants and Council staff.
- 4.4. All tenants of the Council will be provided with facts about Asbestos in the Home, the probable location of ACMs, how to manage it and how to get advice shown in Appendix 11.1.

#### **5. Identifying asbestos containing material and undertaking risk assessments**

- 5.1. Where existing asbestos containing materials are in good condition and are not likely to be damaged, they will be left in place; their condition monitored and managed to ensure they are not disturbed.
- 5.2. Management and Refurbishment and Demolition (R&D) surveys will be conducted in accordance with the standards set out in the Health and Safety Executive's publication HSG264 "The Survey Guide". All such surveys commissioned will be required to meet these standards.

- 5.3. Management and R&D surveys will be undertaken on all communal areas, all void dwellings including abatement work where identified.
- 5.4. Combined Management and R&D surveys will be carried out where major projects are undertaken (Bathrooms, Kitchens, Electrical Rewire and Heating Upgrades, etc.), including remediation and abatement work where required.
- 5.5. The condition of properties will be inspected by staff when they visit them in association with their routine work. Where there are asbestos materials (including presumed asbestos material) in poor condition this will be reported to the Compliance team who will arrange for a survey and remedial work as needed.
- 5.6. All asbestos surveys undertaken will include both “material” and “priority” assessments of all ACM. Both types of assessment require a competent person to evaluate the risks posed by various properties of the ACM and to numerically codify those risks in accordance with Health and Safety Executive guidance.
- 5.7. The numeric values for each assessment are then added together to give an overall risk score. This overall risk score is then used to determine the appropriate management action required to reduce risks to a tolerable level.
- 5.8. The priority risk assessment undertaken will be used to develop an action plan for the remediation of ACM identified. The full methodology for the material and priority assessments is provided in the Asbestos Management Plan.
- 5.9. Risk assessment results are contained in the management surveys stored on the Property Maintenance asbestos management database and/or in PDF format.
- 5.10. Types of survey:
  - Management Surveys have limitations; they do not involve destructive sampling and will not necessarily identify all asbestos that may be present in a building.
  - Where works are proposed, the non-invasive nature of the management survey is not adequate to ensure that risks to those either undertaking the works or those potentially affected by the works are properly protected.
  - To achieve the required standard, it will normally be necessary to carry out Refurbishment and Demolition (R&D) surveys.
  - The extent to which it is necessary to invasively survey a building will depend on the types of works to be undertaken; minor works may only necessitate sampling of certain specified materials. Major demolition will necessitate a much more thorough survey.
  - R&D surveys will be commissioned from UKAS accredited companies.

## **6. Procedures for preventing the release of asbestos fibres**

### **6.1. Asbestos management plan**

6.1.1. When maintained in good condition and left undisturbed, Asbestos Containing Material (ACM) poses very little risk to human health. ACM identified as HIGH RISK will be removed. ACM identified as LOW RISK will be managed to ensure the risk remains low.

6.1.2. The Council's Asbestos Management Plan is based on the following:

- The completion of Management surveys of ACMs in all common areas;
- Depending on the risk assessment the encapsulation or removal of ACMs in common areas;
- The routine inspection of ACMs in common areas;

- The completion of Refurbishment and Demolition surveys of ACMs in all void properties and where major works are planned;
- During the voids process high risk ACMs are removed. Where existing low risk suspected or ACMs are in good condition and are not likely to be damaged, they will be left in place and appropriate warning labels are fixed on the item.
- Where a Refurbishment and Demolition survey has not been undertaken information will be cloned from an appropriate property on which the risk assessment will be based pending a full survey;
- The inspection of properties when undertaking other routine work e.g. routine maintenance inspections;
- Details of asbestos in homes will be made available to tenants; and
- The increase in the completion of Refurbishment and Demolition surveys and the removal of ACM will be monitored and reviewed from data recorded on the Asbestos Register annually.

## **6.2. Informing tenderers and contractors**

- 6.2.1. Where known, the Council has a duty to provide information on known hazards including asbestos survey information as part of tender documents and subsequent ordering of works.
- 6.2.2. Where the works are to be undertaken as part of a CDM project, information on ACM will be included in the Pre-Tender Health and Safety information. Other consultants engaged in the project may also require copies of the survey in order to consider design alternatives that could remove the need to work on the ACM.
- 6.2.3. Where the management of asbestos forms part of a larger piece of work, the contractor undertaking the works is to co-ordinate all activities.
- 6.2.4. Where ACM is being removed as a separate project this will be undertaken by a specialist asbestos contractor.
- 6.2.5. Not all ACMs require the appointment of a specialist contractor and staff must ensure they are conversant with the Control of Asbestos Regulations 2012 which determines when a specialist contractor is to be appointed and when a general contractor, with appropriate training, should undertake the removal of ACMs.
- 6.2.6. On completion of the works the CDM Co-Ordinator must provide the Health and Safety File for the project to the Project Officer responsible for the contract. All information relating to works on asbestos must be provided within this file which will be used to update the Asbestos Database.

## **6.3. Maintenance Works**

- 6.3.1. Where works are ordered on an individual property, either as responsive maintenance, voids or planned works, Contractors will be advised (if known) of the existence of ACMs in the building, its location and type. Where a contractor has access to the asbestos database, they will be able to check the information first-hand. In the unlikely event that there is no information, the Project Officer will have a survey undertaken. In emergency situations, if the work must proceed without the survey results, it will be assumed that ACMs are present in the building and the works undertaken accordingly.
- 6.3.2. Where information is provided it is the responsibility of the contractor to use this information in the planning of the works.
- 6.3.3. Before any work is undertaken, the contractor must ensure their operative(s) are trained, competent to carry out the work and briefed on the Method Statement for the work.

- 6.3.4. If no ACM is identified, then the works can progress in the normal way under the standard risk assessments and method statements.
- 6.3.5. Suitably trained and competent contractors may remove certain asbestos products as non-licensed works in accordance with the task essentials guide HSG210.
- 6.3.6. The appointed contractor will assess the works and submit an ASB5 notification to the HSE 14 days before commencing the works; in addition, they must submit a plan of works in accordance with HSG247 for agreement with the Project Officer.
- The Council will only undertake the removal of licensed ACMs in un-occupied premises or in controlled conditions.
- 6.3.7. On completion of the works the contractor will submit all relevant documents to the Project Officer, including the four-stage air clearance certificate, the waste consignment notice and re-occupation certificate. This information must be stored on the Asbestos database.
- 6.3.8. All air monitoring is to be carried out by UKAS accredited organisations and separate companies will be employed to carry out asbestos removal and air testing.

#### **6.4. Emergency procedures**

- 6.4.1. On occasion, emergencies may arise e.g. because of events such as burst pipes, failure of equipment, etc. or discovery of damaged asbestos materials during surveys or routine inspection. It is important that, in attempting to rectify faults, the requirements of this Policy are not overlooked.
- 6.4.2. If it is suspected that an ACM has been disturbed and that asbestos fibres have accidentally been released, the following action will be taken immediately:
- Stop the activity;
  - Evacuate the area immediately without causing unnecessary alarm;
  - Seal the room/area, close the door, lock it and display;
  - DO NOT ENTER signs. Cordon off / secure the area until a full assessment has been completed;
  - Report the incident immediately to the Operational Assets and Compliance Team and Councils Health and Safety Officer;
  - If out of hours, contact the Councils out of hours emergency team;
  - Inform staff and keep persons from area;
  - Record if possible, the names of all persons potentially affected;
  - Get site asbestos report/plan ready to view;
  - DO NOT attempt to clear up suspect materials or collect samples; and
  - DO NOT re-enter the areas to collect equipment, items, documents or belongings.
- 6.4.3. Before any emergency work is undertaken the relevant surveys and risk assessments must be undertaken.
- 6.4.4. Should a request for emergency work be made, as soon as such a report is received, the relevant asbestos information on the Asbestos Register database (if available) should be consulted as soon as is practicable to see if any ACM is present in the works area. If the record proves that there is no ACM present, then the works should be undertaken in the normal way.
- 6.4.5. If the records are silent or identify the presence of ACM in the area, direction should be given to secure and prohibit access to the area until a plan of action is agreed.
- 6.4.6. In response to an emergency, a specialist asbestos contractor may be directed to carry out any necessary sampling/air clearance monitoring. The contractor will, in

many instances, be able to provide an opinion as to whether the material is or is not asbestos and the scope of any remedial work.

- 6.4.7. The Operational Assets and Compliance Team must be consulted immediately to determine the appropriate action.
- 6.4.8. If the works are notifiable and the area is deemed business critical, a waiver may be applied for to reduce the 14-day notification. This decision will only be taken in the most extreme of cases (e.g. where there would be a serious risk to health or to critical business delivery) and would require the approval of the Responsible Person.
- 6.4.9. Subject to a waiver being granted (or the 14-day notification period being satisfied), the works will then be undertaken in accordance with this Policy.

## **7. Identification of suspect material – damaged disturbed or previously unidentified**

- 7.1. It is the responsibility of all staff to report to the Asbestos Co-ordinator if they suspect that disturbed or damaged asbestos containing materials may be present in a building owned or occupied by the Council. In a case where an accessible material is suspected of containing asbestos, and where this material may reasonably become disturbed, this would also apply.
- 7.2. In such cases, an external consultant having UKAS (United Kingdom Accreditation Service) accreditation for asbestos sampling and analysis, will be contacted to carry out identification.
- 7.3. If asbestos is identified within the sample, advice will be obtained from a competent consultant on the appropriate course of action.
- 7.4. Where damage to any material known to contain asbestos has taken place and is likely to give rise to airborne respirable fibre release, the Asbestos Co-ordinator will arrange for isolation of the area pending an investigation. The Asbestos Co-ordinator will arrange for air monitoring tests (measurement of airborne fibre concentrations) to be carried out and sampling and analysis will be carried out by an independent UKAS accredited organisation to determine the level of any potential contamination, or to provide reassurance that unacceptable contamination has not occurred.
- 7.5. Details of air test results will be made available for inspection and record purposes.
- 7.6. Remedial action will be required when airborne fibre levels exceed 0.01 f/cc. The nature of the remedial work must be agreed with the Asbestos Co-ordinator.
- 7.7. When remedial action becomes necessary after exposure, the relevant facts may have to be reported to the HSE in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). (Advice may be sought from a competent Asbestos Consultant to determine whether the incident is in fact RIDDOR reportable.)
- 7.8. The Asbestos Coordinator when reporting any incident that falls under the RIDDOR regulations is to immediately inform and liaising with the Councils Health and Safety Officer.

## **8. Asbestos surveys and management plans**

### **8.1. Normal Occupancy of Premises**

- 8.1.1. Where premises and common areas of housing stock were built or renovated prior to 2000, an Asbestos Management Survey programme will be carried out by a competent UKAS accredited asbestos management consultancy. (HSE expects that no asbestos containing materials would be in use from 2000.)
- 8.1.2. The surveyor and the Council should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date.
- 8.1.3. Current legislation does not subject 'domestic dwellings' to the requirement for Asbestos Management Surveys (although Refurbishment and Demolition Surveys are required when the property becomes a 'place of work' – see below).
- 8.1.4. The findings of all Management and Refurbishment and Demolition Surveys undertaken will be used to update the Asbestos Register with all asbestos or suspected asbestos containing materials (including their location and condition along with details on how best to manage / remediate the material) in all Council properties.
- 8.1.5. An asbestos management plan will be developed and implemented, ensuring that all asbestos containing materials are properly managed. This will include procedures for re-inspecting materials and carrying out remedial works where necessary.
- 8.1.6. The Asbestos Co-ordinator will be responsible for maintaining the Asbestos Register, organising surveys and re-inspections.

## **8.2. Prior to Work on Premises**

- 8.2.1. Prior to any work being carried out on the fabric of (pre-2000) buildings, the asbestos register will be interrogated to determine whether asbestos may be encountered and appropriate precautions (including the use of HSE licensed contractors where necessary) will be taken.
- 8.2.2. Prior to any refurbishment, demolition or repair works on building fabric, which is not known to be asbestos free, a competent UKAS accredited asbestos management consultancy will be commissioned to carry out a 'Refurbishment and Demolition' (i.e. intrusive) asbestos survey of the area to be worked upon.
- 8.2.3. The surveyor and the Council should jointly determine an appropriate plan to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date.
- 8.2.4. Prior to works starting, the information obtained from Management and Refurbishment and Demolition Surveys will be issued and discussed with the proposed works contractor to ensure that ACMs will not be disturbed by their works.
- 8.2.5. In the event that works would have the potential to disturb ACMs, appropriate measures will be taken, including the prior removal of ACMs, amendments to work programme, etc.
- 8.2.6. Records of all surveys and discussions with contractors will be retained in the project files to demonstrate that asbestos was properly considered, and appropriate actions taken to prevent disturbance and exposure.
- 8.2.7. The details of all survey information must be uploaded on to the Asbestos Register database.

## **9. Asbestos abatement works**



- 9.1. If the works are “licensable” the contractor will submit a 14-day notification to the HSE detailing their plan of work and the dates that the work will be undertaken. The contractor will provide risk assessments and method statements for approval by the Project Officer.
- 9.2. Suitably trained and competent contractors may remove certain asbestos products as non-licensed works in accordance with the task essentials guide HSG210.
- 9.3. All licensed asbestos removal works must be notified to the HSE and only undertaken by licensed asbestos removal contractors. The contractor will assess the works and submit an ASB5 notification to the HSE 14-days before commencing the works; in addition, they must submit a risk assessment, method statement and a plan of works for approval by the Project Officer in accordance with HSG247.
- 9.4. On completion of the works the contractor will forward all the relevant documents to the Project Officer including the four-stage air clearance certificate, the waste consignment notice and re-occupation certificate.
- 9.5. All survey information must be uploaded on to the Asbestos Register database.
- 9.6. All air monitoring is to be carried out by UKAS accredited organisations and separate companies will be employed to carry out asbestos removal and air testing.

## **10. Review and monitoring**

- 10.1. The requirements of this Policy will be monitored by way of a risk-prioritised process of auditing.
- 10.2. The training and responsibilities of individuals will be monitored by the Council through its management and appraisal processes.
- 10.3. Where necessary the Council will take appropriate action to ensure that this Policy is upheld.
- 10.4. This Policy will be reviewed annually by the Service Manager – Property Maintenance or if:
  - New legislation or guidance is published, or existing legislation or guidance is updated;
  - Research, monitoring or auditing suggests that a review may be required; and/or
  - Incident investigation suggests that a review may be required.
- 10.5. A formal review of this Policy will be undertaken in consultation with the Epping Forest Tenants and Leaseholders’ Panel in five years.

## **11. Appendices**

- 11.1. Tenants Asbestos in the Home Booklet.
- 11.2. Asbestos Management Plan.

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## **Appendix 11.2 Asbestos Management Plan;**

When maintained in good condition and left undisturbed, Asbestos Containing Material (ACM) poses very little risk to human health. ACM identified as HIGH RISK will be removed. ACM identified as LOW RISK will be managed to ensure the risk remains low.

### **The priorities of the Asbestos Management Plan include;**

- Identify the location and condition of asbestos or suspected asbestos containing material on Council owned and managed sites;
  - Undertake Management surveys identifying ACMs in all common areas of Council owned and managed blocks of flats;
    - Management surveys are undertaken in all common areas of Council owned and managed blocks of flats bi-annually;
    - any asbestos containing material identified in a poor or dangerous condition remedial or removal action is immediately undertaken;
    - during the voids process where existing low risk suspected or ACMs are in good condition and are not likely to be damaged, they will be left in place and appropriate warning labels are fixed on the item;
  - Undertake Refurbishment and Demolition surveys identifying asbestos and suspected ACMs in all void and occupied properties where major works are planned;
- Record details of the location and the condition of asbestos or suspected ACMs on Council owned and managed properties on the Asbestos Register;
- Manage, maintain and update the Asbestos Register;
- Circulate the updated Asbestos Register on a quarterly basis to Qualis Management and all of the Councils works contractors;
- Qualis Management and all of the Council works contractors on receipt of an HRP Works Order are to review the Asbestos Register and either;
  - Request a copy of the Refurbishment and Demolition Survey from the Operational Assets and Compliance Team prior to commencing any works;
  - Commission and ensure a Refurbishment and Demolition Survey is carried out on the property by UKAS accredited organisation prior to commencing any works.
- Copies of all Refurbishment and Demolition Surveys completed on Council properties are forwarded to Operational Assets and Compliance Team.
  - Removal action is taken on any confirmed asbestos containing material that is likely to be disturbed during the major works;
    - Copies of the consignment note on the disposal of asbestos containing material is forwarded to the Operational Assets and Compliance Team.
- The Refurbishment and Demolition Survey and any consignment notes that are issued are referenced and added to the Asbestos Register.

### **Asbestos Management Plan Targets;**

The targets of the Asbestos Management Plan include;

- Migrate the Asbestos Register and all Refurbishment and Demolition Surveys to a shared location as a Microsoft SharePoint file (currently being discussed with ICT);
- Migrate the Management surveys of ACMs in all common areas of Council owned and managed buildings and blocks of flats to a shared location as a Microsoft SharePoint file (currently being discussed with ICT);
- Continue undertaking and recording asbestos information obtained through Refurbishment and Demolition Surveys and Stock Condition Surveys carried out on Council properties;
- Continually reduce the number of cloned asbestos information on the Asbestos Register;
- Continue to remove all high-risk asbestos containing material identified on Council properties;

## Asbestos Register;

The Asbestos Register contains the location, detail and risk of suspected asbestos containing material found in 8116 Council owned, leasehold and sold properties.

This figure is in excess of the current number of Council owned properties, on the 28<sup>th</sup> August 2020, the Council owned 6375 HRA properties and 54 hostel accommodation bedsits, as the Council has a duty to maintain, record and provide asbestos information.

Information on asbestos containing material is collected from 3-sources;

1. a Refurbishment and Demolition surveys;
  - a. These are intrusive surveys and cause damage to building elements;
  - b. Refurbishment and Demolition surveys are an accurate source of information on the location of suspected and asbestos containing material. These surveys will identify the location of suspected and asbestos containing material that may be cloaked or hidden from view.
2. during a Stock Condition Survey (SCS); and;
  - a. These surveys are a visual inspection of the property only and are not intrusive;
  - b. SCS data is an accurate source of information on the location of suspected and asbestos containing material. However, SCSs are limited in that a SCS will **not** identify the location of suspected and asbestos containing material that may be cloaked, boxed in and decorated or hidden from view
3. asbestos data cloned from similar property archetypes;
  - a. Cloned data is the least reliable source of information which has been based on the location of suspected and asbestos containing material identified from similar property archetypes.

The table below shows how survey information on suspected and asbestos containing material in Council owned properties has been collected and included on the Asbestos Register.

Location.	Total Number of Surveys.	Report Type.
Microsoft SharePoint Files; Asbestos Register; Asbestos Surveys;	4150	Refurbishment and Demolition Asbestos Survey.
	1096	Stock Condition Survey.
	1084	Cloned Asbestos Data.
	99	*New Build Properties
	6429	Total

\*Asbestos report is not required as no asbestos containing material used in construction.

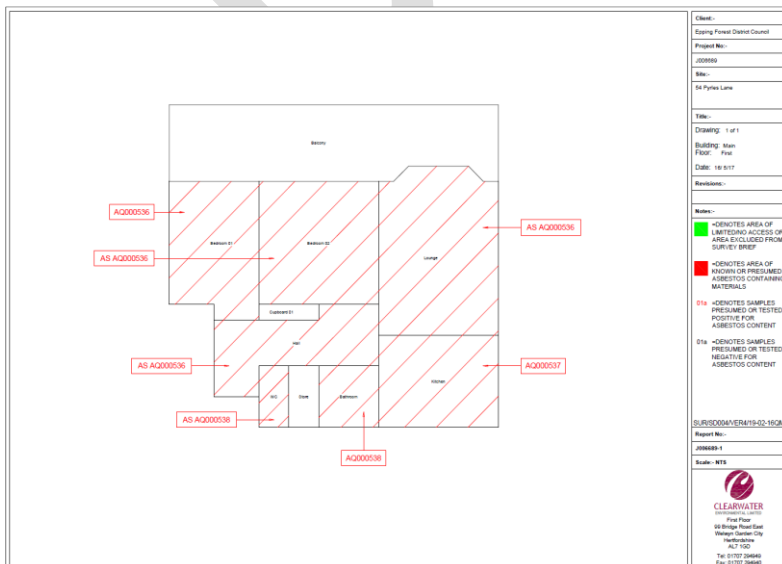
Asbestos data is recorded and referenced against each property, this allows property specific suspected and asbestos containing material information to be available to Qualis Management, staff, external contractors, tenants of Council properties and other persons who may potentially disturb or damage asbestos containing material when undertaking work in a Council property.

The table below shows the information and detail collected through the 3-survey types on suspected and asbestos containing material and how the information is shown on the Asbestos Register for each Council property.

Property Address.	Survey Type.	1 <sup>st</sup> Location, Description and Condition	Risk Factor	2 <sup>nd</sup> Location, Description and Condition	Risk Factor	3 <sup>rd</sup> Location, Description and Condition	Risk Factor	1 <sup>st</sup> Location, Description and Condition	Risk Factor	2 <sup>nd</sup> Location, Description and Condition	Risk Factor
		<b>Internal Location</b>		<b>Internal Location</b>		<b>Internal Location</b>		<b>External Location</b>		<b>External Location</b>	
Property Details	SCS	Suspect asbestos containing cistern to bathroom, amosite.	1	Suspect asbestos containing textured 'Artex' coating to all ceilings, chrysotile.	1	*NADIS, kitchen sink pad.	0	Suspect asbestos cement soffit board to main roof	1	Suspect asbestos cement profile roof sheet material to outhouse (Note: fragile roof covering).	1
Property Details		Asbestos containing toilet cistern to bathroom, amosite. Cloned from 38	1	Asbestos cement cold water storage tank in loft, amosite chrysotile. Cloned from 8	1	Suspect asbestos containing vinyl floor-tiles, plus adhesive, chrysotile. Cloned from 92	1	Suspect asbestos cement soffit board to main roof Cloned from 46	1	Suspect asbestos cement under-cloak (soffit) to gable end, chrysotile. Cloned from 92	1
Property Details	R&D	Full Refurbishment and Demolition Report Available									

\*No Asbestos Detected In Sample  
Asbestos Register Survey Examples.

Management and Refurbishment Asbestos Surveys provide detailed asbestos information which generally includes floor plans of the property indicating the location of asbestos containing material. The floor plans are then annotated and referenced with the location of all suspected and asbestos containing material found on the property.



An example site floor plan of a Council property and the details of all suspected and asbestos containing material are included in the Management and Refurbishment Asbestos Survey;

Example Floor Plan

From the example floor plan the Management and Refurbishment Asbestos Survey includes;

**Location Element Comments;**

- Bedroom 01 Floor Tile - Thermoplastic Confirmed Asbestos;
- Bedroom 02 Floor Tile - Thermoplastic Presumed Asbestos;
- Lounge Floor Tile - Thermoplastic Presumed Asbestos;
- Kitchen Floor Tile - Thermoplastic Confirmed Asbestos;
- Bathroom Floor Tile - Thermoplastic Confirmed Asbestos;
- WC Floor Tile - Thermoplastic Presumed Asbestos;
- Hall Floor Tile - Thermoplastic Presumed Asbestos;

**Communication Plan;**


Rather than circulating the updated Asbestos Register on a quarterly basis to Qualis Management and all of the Councils works contractors on an individual basis making this and other information on asbestos available through a shared location has been identified as a target in the Asbestos Management Plan.

The Asbestos Management Plan includes the migration of the Asbestos Register and all Refurbishment and Demolition Surveys to a shared location as a Microsoft SharePoint file.

The Microsoft SharePoint file (currently being discussed with ICT) will be available to Qualis Management the Councils housing repairs contractor, all employees, contractors, subcontractors, consultants and Council staff to view the Asbestos Register and allow read only access all of the Councils asbestos information.




The Asbestos Register file will contain the up to date Asbestos Register with the information and detail collected through the 3-survey types on suspected and asbestos containing material on a property by property basis.

**Level 1 Asbestos Register;**

 Asbestos Register;

**Level 2 Asbestos Reports;**

The Asbestos Register contains links to all the Refurbishment and Demolition Survey Reports completed on Council properties which are stored in 432 Level 2 files referenced as the Street Name and in alphabetical order.

-  Properties in Abbots Drive;
-  Properties in Acres Avenue;
-  Properties in Albert Road; stored in alphabetical order through to Yew Close;

**Level 3 Refurbishment and Demolition Survey Reports;**

The properties Refurbishment and Demolition Survey Report is stored as a Level 3 file and is referenced as the property number;

 The properties Refurbishment and Demolition Survey Report;

The Council's Asbestos Management Plan is also based on the completion of Management surveys of ACMs in all common areas of Council owned and managed buildings and blocks of flats.

The Microsoft SharePoint file (currently being discussed with ICT) will be available to Qualis Management the Councils housing repairs contractor, all employees, contractors, subcontractors, consultants and Council staff.

The Asbestos Location Record Reports file will contain the latest version of the Asbestos Location Record Report carried out on all Council owned and managed buildings and blocks of flats.

**Level 1 Asbestos Location Record Reports;**

 Asbestos Location Record Reports;

**Level 2 Property Address;**

The Asbestos Location Record Reports file contains 6 Level 2 files referenced as the Blocks Street Name with blocks stored in the following alphabetical groups;

-  Property Address A-D;
-  Property Address E-I;
-  Property Address J-M;
-  Property Address N-Q;
-  Property Address R-U;
-  Property Address V-Z;

**Level 3 Individual Block;**

The blocks individual Asbestos Location Record Report is stored as a Level 3 PDF and is referenced as the blocks number and alphabetical street name;

-  1-8 Beech Court; Asbestos Record Sheet;
-  1-11 Brooker Road; Asbestos Record Sheet;
-  1-15 Davis Court; Asbestos Record Sheet; all stored in alphabetical groups and block number through to block 336-350 Willingale Road.

## Version Control

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Version no.	Date	Details of changes included in update	Author
0.1	Sept 2020	Final draft	Team Manager – Operational Assets and Compliance

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

[www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing)

September 2020



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# Asbestos in the home

**Facts about asbestos –  
where it may be found and  
what to do if you find it**





This leaflet addresses concerns and questions about asbestos in council homes. It explains what it is, where it is found, why it might be a problem and how to deal with it.

Asbestos is a natural mineral which was a very popular building material from the 1950s until its total ban in 1999. It was considered a cheap and effective building material due to its many properties which is why it was readily used within the construction industry. This led to it being used in a wide range of building materials and products, often as fireproofing. Asbestos cement has been widely used as cladding and roofing material and can still be found in garages and sheds.

Asbestos has been used in many properties but, if maintained correctly, should not be a hazard to health.

## **Why may asbestos be a problem?**

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When asbestos containing materials age or become damaged, it could potentially release fibres into the air. These fibres could cause various health conditions. These will not take effect immediately; they often take a long time to develop. Conditions associated with asbestos are Mesothelioma, Asbestos-related lung cancer, Asbestosis and Pleural thickening.

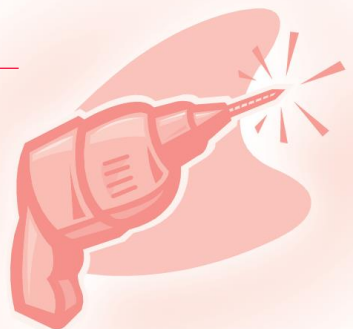
Those most likely to be affected by asbestos are those who have been exposed over many years or exposed at a high quantity. This would include working with asbestos, for example, within sectors such as construction industry and ship building.

Use of asbestos has since been banned from all new builds and maintenance tasks, workplace regulations have also been put in place to protect against potential asbestos in older buildings.

## **Is everyone exposed to asbestos?**

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Although asbestos maybe present within a property, as long as it is not damaged then it is usually safe.



It becomes a problem when the asbestos containing materials are damaged, as fibres can be released into the air. If you have damaged asbestos containing materials in your home, you should seek advice immediately from the Council's Operational Assets and Compliance Team on the appropriate action to take.

Do not carry out any DIY activities or removal on materials which may contain asbestos - contact the Council's Operational Assets and Compliance Team.

### **Where is asbestos found?**

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Building materials containing asbestos were widely used in both new builds and renovations between 1930 and the late 1980s. Houses and flats built or refurbished during this time may contain asbestos materials.

It is not always easy to tell whether a product contains asbestos as modern asbestos-free materials often look similar. Remember it is usually older products that contain asbestos. Loft or cavity wall insulation does not contain asbestos. If you have any doubts if materials are asbestos-free, then contact Council's Operational Assets and Compliance Team.

### **The types of asbestos materials that may be found in homes are:**

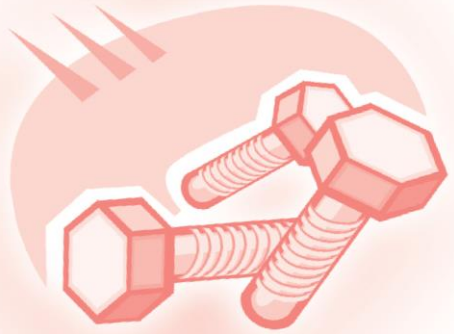
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#### **Insulating board**

Insulating board has been used for fire protection, heat and sound insulation. It is particularly common in 1960s and 1970s system-built housing and is found in materials such as ducts, infill panels, ceiling tiles, wall lining, bath panels and partitions. It is unlikely to be found in buildings constructed after 1982.

## Lagging

Asbestos lagging has been used for thermal insulation of pipes and boilers. It was widely used in public buildings and system-built flats during the 1960s to early 1970s in areas such as communal boiler houses and heating plants. Asbestos lagging is very rarely found in homes, especially those constructed after the mid-1970s.



## Sprayed coating

Sprayed asbestos coatings were used for fire protection of structural steel and are commonly found in system-built flats built during the 1960s. The coatings were mainly applied around the core of the building such as service ducts and lift shafts. Use stopped in 1974 and the spraying of asbestos has been prohibited since 1986.

## Asbestos-cement products

Asbestos-cement is the most widely used asbestos containing material. It is found in many types of building as profiled sheets for roofing and wall-cladding, in flat sheets and partition boards for linings to walls and ceilings, in bath panels, soffit boards, fire surrounds, flue pipes, cold water tanks and as roofing tiles and slates. It has been commonly used as roofing and cladding for garages and sheds and also in guttering and drainpipes.

Asbestos cement products are unlikely to release high levels of fibres because of the way they are made, unless they are subject to extreme abrasion. Damage from weathering may also release a small amount of fibres.

## **Other building materials and products**

Asbestos has been used in a variety of other building materials, for example, in decorative coatings such as textured paints and plasters. These are still widely in place, but supply and application has been prohibited since 1988. Plastic floor tiles, cushion flooring, roofing felts, tapes, ropes, felts and blankets can also contain asbestos.

## **Heating appliances and domestic equipment**

Asbestos was used in some warm air heating systems, electric storage heaters (up to 1976) and in flameless catalytic gas heaters (up to 1988) and some early 'coal effect' gas fires. It has also been used in domestic equipment, such as oven gloves and ironing boards, seals on cooker doors and fire blankets. Asbestos has also been used in brake linings and pads.

## **How can I identify products or materials containing asbestos?**

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Since 1976 British manufacturers have put labels on their products to show they contain asbestos, and since 1986 all products containing asbestos carry the European label. The supplier or manufacturer of a product may be able to tell you if it contains asbestos.

Asbestos surveys have been conducted on properties to identify if asbestos is present, and if so, what type it is. There are two types of surveys: Management and Refurbishment/Demolition.

A Management survey is a visual inspection and sampling of suspicious material in easy access areas. A Refurbishment and Demolishing survey is a more extensive inspection which involves looking within the fabric of the building to identify the potential presence of asbestos, such as lifting floorboards.

**Remember, asbestos-containing products can look very similar to those not containing asbestos. If in doubt, seek advice from the Council's Operational Assets and Compliance Team.**

## What should I do if I suspect there is asbestos in my home?

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Asbestos containing material in good condition that cannot readily be damaged are often best left where they are. Removal can lead to higher levels of fibres being present in the air for some time if not correctly removed. Check the condition of any asbestos material from time to time to make sure they have not become damaged or have started to deteriorate. Let the Councils Operational Assets and Compliance Team know if there is any change in the condition of the asbestos-containing material.



Asbestos containing materials that appear to be slightly damaged can sometimes be repaired by sealing or enclosing the material – let the Councils Operational Assets and Compliance Team know and they will arrange the most appropriate action.

Asbestos containing materials that are badly damaged and/or deteriorating can release dust and should be removed. Please advise the Councils Operational Assets and Compliance Team and they will arrange for an Inspector to assess the damage and if necessary, arrange removal.

Some asbestos containing materials (sprayed asbestos, lagging or insulating boards) must always be removed by contractors licensed to carry out such works by the Health and Safety Executive. These licensed contractors must follow Health and Safety Executive approved codes of practice and regulations to ensure the asbestos containing material is safely removed.

Sometimes it is dangerous to have asbestos containing materials removed, for instance fire-protection materials, without replacing them with a suitable alternative.

## Emergency asbestos fibre release

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- On occasion emergencies may arise that cause damage to asbestos containing material leading to accidental suspected asbestos fibre release. If an incident occurs in your home immediately seek advice from the Council's Operational Assets and Compliance Team.
- If an emergency occurs outside of normal office hours immediately seek advice from Qualis Management the Councils out of hours emergency service.

## Remember

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- Avoid disturbing or damaging asbestos materials in good condition.
- If you suspect you may have damaged or deteriorating asbestos materials within your home, then seek advice from the Council's Operational Assets and Compliance Team.
- If you think that your warm air heating system, electrical, storage heating system or flameless catalytic gas heater may contain asbestos then seek advice from the Council's Operational Assets and Compliance Team.
- Remember, it is a condition your Tenancy Agreement that you obtain permission from the Councils Housing Assets Team before you undertake any alterations or improvements in your home. By contacting the Housing Assets Team and submitting a tenant alteration request you will receive advice on any suspected asbestos containing material that may be present in your home which has been identified on the Councils Asbestos Register.
- The information given in this leaflet was correct at October 2020. Please be aware that there may have been changes since that time, such as new laws or council policies.

## How to contact us:

### **Operational Assets and Compliance Team**

Civic Offices, High Street, Epping CM16 4BZ

Phone: 01992 564760

Email: [propertycompliance@eppingforestdc.gov.uk](mailto:propertycompliance@eppingforestdc.gov.uk)

### **Housing Assets Team**

Civic Offices, High Street, Epping CM16 4BZ

Phone: 01992 564166 and dial extension 2727

Email: [propertyassets@eppingforestdc.gov.uk](mailto:propertyassets@eppingforestdc.gov.uk)

### **Qualis Management**

Oakwood Hill Industrial Estate, Loughton, Essex IG10 3TZ

Phone: 0333 230 3464 (24-hour contact number)

Email: [repairs@qualismanagement.co.uk](mailto:repairs@qualismanagement.co.uk)

### **Epping Forest District Council**

Civic Offices, High Street, Epping CM16 4BZ

Phone: 01992 564000

[www.eppingforestdc.gov.uk/housing](http://www.eppingforestdc.gov.uk/housing)

**Please tell us if you would like this information provided in an alternative format.**

## Useful websites

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### **Health & Safety Executive**

[www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos)

### **Asbestos Information Centre**

[www.aic.org.uk](http://www.aic.org.uk)

## **Report to the Cabinet**

**Report reference: C-049-2020-21**

**Date of meeting: 03<sup>rd</sup> December 2020**



**Portfolio: Leader**

**Subject: Civic Accommodation and Community Hub**

**Responsible Officer: Louise Wade 07548 145612 /Jennifer Gould 07548 145639**

**Democratic Services: Adrian Hendry (01992 564246).**

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

- (1) **Cabinet to consider the opportunities for establishing a community hub; and**
- (2) **In the context of establishing a community hub, Cabinet to understand the current discussions in relation to partnership working**

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

Establishing a vision for a community hub as defined by the council, partners and community will ensure services are designed based on the collective need.

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

To establish the building as a space where partners are co-located, with no additional opportunity for benefits from establishing a community hub.

To offer the space to commercial tenants which will generate income.

To remove or reduce grants with partners which at this stage would disrupt the direction of travel for reframing the relationship and establishment of the community hub.

### **Report:**

#### **Partnership working during the current pandemic**

1. The impact of Covid-19 and the associated need to swiftly mobilise a local support hub back in March, provided a clear illustration of the value and benefit of partnership working in the Epping Forest district. The 'Covid response - Epping Forest Community Hub,' whilst hosted by the District Council, relies heavily on the involvement and support of the voluntary community sector (VSC) and, specifically, Voluntary Action Epping Forest. Clinically extremely vulnerable residents who are required to shield continue to be able to access a range of collaboratively delivered services including; shopping, prescription collection, befriending and signposting to specialist support. Through partnership working the Council has been able to draw on invaluable wider



resources, not least from a pool of dedicated local volunteers and mutual aid groups, therefore increasing capacity and enabling responsive, friendly and accessible support to be delivered to those most in need.

## **Establishing a Community Hub**

2. To date the conversations around the use of the Civic have been focused on the utilisation of the building by partners. We now have an opportunity to look at this through a different lens and consider the use of the Civic as the heart of a genuine community hub approach to the delivery of services that will benefit residents across the district.

3. A community hub can mean different things in different places. Whilst co-locating services may enable our residents to access services more easily and an improvement in customer journey, there are also greater opportunities which lend themselves to contributing towards building better and more integrated services and enabling regeneration. We have the opportunity for the Civic to be a focal point for our community, not just in accessing services but also in terms of how the additional space is used.

4. Libraries already provide an opportunity as a place to access certain services within a single space within the community and enable that sense of community. We are already in active discussions with Essex regarding the relocation of the library to the Civic and this will be a contributing factor in the success of establishing a community hub approach. Whilst the library is one step towards that, there is a much greater opportunity available that will ensure the Civic becomes the heart of the high street for our residents.

5. Referencing the work of the Power to Change charitable trust (1), a community hub can be set up and run to provide one or more of the following:

- Facilities for the use of the local community to ensure a healthy, active and economically thriving population.
- Services for the local community, directly or indirectly.
- Opportunities for community engagement, volunteering, the empowerment of local people.
- The 'added value' of a thriving community hub which enhances community life, e.g. providing a focal point for local people, providing a sense of community, providing spaces for people to meet, etc.

6. There are clear benefits to establishing such a hub within the refurbished Civic building and one that would extend the use of the building beyond just the office space occupied by partners. As an example, it could provide us with the opportunity for cultural and wellbeing activities in the committee space.

7. Establishing a community hub starts with understanding customers' needs, working in partnership to design and deliver the outcomes required for the community. Whilst many services are accessible online, understanding the demographics and needs of each customer group will ensure the services and spaces designed are based on data and feedback. Creating a shared vision and plan that meets the needs of our residents, ensuring partners are aligned in the overall outcomes of the hub, and involvement from residents themselves will set us up for success.

8. Any work on the establishment of a community hub approach (with the Civic at its heart) would establish the start of a community hub approach and model across the district. With the Civic building at the centre, our satellite offices across the district would mean we could provide a consistent service model and more ability to access our services for those residents that do not live in Epping. For example, Loughton Broadway, The Limes Centre and ultimately the development of a Waltham Abbey Hub will deliver similar focal points for communities across the district and enable the delivery of localised, targeted services to those community residents as part of the Council's wider hub approach. All of this would be part of the wider customer journeys of our

residents that include the digital channels, that can be accessed by residents at home and they will also be able to access within the Civic itself and additionally at our other hubs across the district.

9. Part of the plan to create a community hub would need to carefully consider the operations of the building, opening hours, facilities management and security. All of this is achievable, and it starts with getting the early stage design established and will minimise the financial cost of change.

10. To date conversations have taken place with the following organisations, Epping Forest District Citizens Advice (EFCA), Voluntary Action Epping Forest (VAEF) and early discussions with Foodbank Epping.

### **Current partnership operating discussions**

11. Teams across EFDC work in partnership with varied public, private and third sector organisations. One of our primary partners is Epping Forest District Citizens Advice (EFCA) who play an integral role in complementing our own services supporting residents across the district. EFCA are currently provided with an annual grant of £155,000 to deliver services that support the wellbeing of residents in relation to financial, emotional, mental and physical health through the delivery of expert advice and assistance both in person (restrictions associated with Covid notwithstanding), on the telephone and, increasingly, through digital means.

12. Historically, EFCA has been monitored and measured against a set of outputs, however, recent changes in the stewardship of the EFCA (new CEO, 50% turnover of Board of Trustees) together with the shifting landscape resultant from Covid presents an opportunity to reframe our expectations to those which are outcome focussed, add the most value and are most impactful for residents across the district.

13. Initial discussion with the CEO of EFCA have already taken place and a guiding set of principles for shaping requirements of the grant agreed. These new requirements will be underpinned by a partnership approach that tangibly achieves real outcomes for residents. For example, utilising EFCA's expertise around money and debt advice to get upstream of homelessness prevention and tackling social isolation and vulnerability of elderly residents through the facilitation of Scam Prevention work.

14. While there has been some discussion about the outputs of EFCA to date not adequately reflecting the grant sum, the EFCA's recent change in leadership, the strides made in agreeing a set of guiding principles focussed on outcomes and impact along with the will and commitment to genuine collaboration demonstrated by EFCA deserves a similar commitment from the Council. To reduce EFCA's grant amid a global pandemic which has increased demand and at a time when alternative funding is likely to be scarce would arguably disrupt the very solid direction of travel of our partnership with EFCA and deny them the opportunity to demonstrate the value they can add to the agreed outcome focussed approach.

15. While working in partnership with EFCA is not solely reliant on establishing a community hub it will provide a one stop shop style approach to the delivery of services, encourage and enable organic conversations between officers who, together, can structure much more comprehensive solutions and support that make the most of crisis response and longer term community based social recovery activity.

16. Discussions with VAEF on 16<sup>th</sup> November 2020, saw us agree to underpin our partnership with VAEF's inclusion in the community hub; initially at the Civic Offices, but, more broadly, as an integral part of the Council's overall community hub approach to service delivery. VAEF have submitted their requirements which are currently being considered and a tour of the Civic Offices is being arranged so that the CEO and Chair of VAEF Board can see the how the space is developing.

### **Moving the hub forward**

17. As a commitment to developing the wider hub approach and working with partners, and on the basis there is commitment from partners to focus on the agreed outcomes, we would look to offer the space at a rate that would be no more expensive to the partners than they are currently paying. This would also be at a discount to the rates to commercial clients.

18. The first phase to this work, would be to establish co-location of services enabling closer working relationships. We are currently in the process of understanding the specific requirements of EFCA and VAEF. With limited space within the Civic we are looking at the most optimal way of working and customer journey needs to allow for the space to work in the way that is beneficial to our residents.

19. We would also be looking to expand the hub beyond the discussions with EFCA and VAEF, exploring the opportunity to develop further integrated service offerings with other partner organisations, e.g. Foodbank, DWP, CCG.

20. An additional requirement that will be met through the delivery of the accommodation programme is the implementation of Govroam. Govroam is a national roaming service which provides 'zero touch' internet access to public sector staff across the UK. This will further enhance our ability to work with partners across public sector, including the NHS and emergency services and additionally our colleagues at Essex County Council.

21. Another key benefit to the delivery of the accommodation programme is the commercialisation of the 2<sup>nd</sup> floor and the opportunity to lease 323 to Qualis. Whilst this is not directly related to the establishment of the community hub, it will ultimately deliver benefit to our community through the income we will generate as a result of letting the space.

22. This project will deliver outcomes that are more than the sum of their parts and more than a building. The plan and implementation of the community hub will be further developed through 2021.

### **Resource Implications:**

The financial resource implication for partners should be neutral based on the target of offering the space at a cost which is no more expensive than that already being paid.

We would be looking for resources within the partnership to provide capacity to delivering the community hub.

Council resources will be required to establish and deliver the hub in line with the vision.

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

Any spaces leased to external partners or let via licences, will require a legal agreement between the Council and said party.

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

A reduction in carbon footprint for partners, council employees and residents through the removal of the need to travel between locations.

The Council's Community Resilience Team will continue to operate from the Civic Offices and will therefore be central to the Epping Forest district.

### **Consultation Undertaken:**

Consultation in progress with community partners. Community partners have shown interest in progressing a community hub; however they will not relocate to the Civic Offices unless their lease costs and conditions are comparable to those already in place at their current location.

**Background Papers:**

Accommodation Review papers.

**Risk Management:**

There is a risk that we will miss the opportunity to realise the benefit of establishing a community hub if this project is purely established with the model of relocating services. Further to that there is also the risk that we may miss the opportunity to meet the needs of our customers with existing fragmented services.

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## **Report to the Cabinet**

**Report reference:** C-050-2020/21  
**Date of meeting:** 3 December 2020



**Portfolio:** Commercial and Regulatory Services Portfolio Holder – Cllr A. Patel  
**Subject:** Qualis Business Plan 2020-2021

**Responsible Officer:** Andrew Small (07548 145665).  
**Democratic Services:** Adrian Hendry (01992 564246).

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

**That Cabinet is Recommend to request that Council agrees the one year Qualis Business Plan, as attached to this report as Appendix A.**

#### **1. Executive Summary**

- 1.1. Under the terms of the Shareholder agreement between Qualis and the Council, Qualis is required each year to bring forward an annual and a 4 year Business Plan for agreement.
- 1.2. The Business Plan sets out the detailed activities for Qualis in the forthcoming year and, once agreed by the Council, Qualis can deliver these activities without further recourse to the Council.
- 1.3. Approval of the Business Plan represents the Council's main mechanism for annually influencing and controlling the activities of Qualis.
- 1.4. During the year Qualis must only seek Shareholder approval if an action or activity sit outside of the approved Business Plan and is specifically set out as a matter requiring Shareholder approval within the Reserved Matters section of the Shareholder agreement.
- 1.5. The Business Plan presented here is the first full Business Plan produced by Qualis and reflects the ongoing development and positioning of the company. For this reason, and because the final Board has only recently been appointed, Qualis has produced a single year Business Plan for 2020/21. A 4 year Business Plan will be developed and presented to the Council as the new Board of Qualis plans the future strategy for the Group.

#### **2. Introduction**

- 2.1. The Shareholder Agreement and Governance arrangements, agreed by Cabinet in February 2020, set out the decision-making framework for Qualis and the ways in which the Council can influence or control Qualis's activities in its capacity as Shareholder.

- 2.2. The principal control will be through the approval of the annual Business Plan. Qualis is required to present its proposals each year within a proposed Business Plan and only if the Council agrees this can Qualis implement the proposals contained within it. This represents the critical control over the activities of Qualis and appropriate and detailed consideration should be given to the sign-off accordingly.
- 2.3. If Qualis wishes to undertake an activity during any year that was not included within the agreed Business Plan then under the 'Reserved Matters' part of the Shareholder Agreement it must ask for the Council's permission first. The full list of reserved matters was published in Schedule 2 of Appendix 1 in the report on Qualis to Cabinet on 6 February 2020.
- 2.4. Matters considered to be 'Reserved' to the Shareholder include issues such as;
- diluting the Council's control,
  - transfer of any part of the business to another body
  - distributing profits outside that agreed
  - allowing its assets to be charged by a third party
  - Winding the company up
  - Or generally acting outside of the approved Business Plan
- 2.5. The careful construction of the shareholder agreement gives the Council considerable assurance that Qualis can only operate within the mandate given to it by Epping Forest District Council and for any matter outside of this, it must seek the Council's express authority.
- 2.6. The Report to Cabinet in February 2020 further set out the following;
- The Section 151 Officer will act in accordance with already sanctioned, business case, budget and loans already agreed or approved by the Cabinet or delegated authorities to the s151 officer (both generally and in its capacity as Shareholder's Representative).
  - The Shareholder Representative / the s151 officer will also bring to the attention of the Cabinet any significant issue or deviation from these approvals on the precautionary principle.
  - Any issue of concern or requiring a decision beyond the parameters of approvals previously provided by Cabinet and Council to the s151 Officer (in their capacity as Shareholder's Representative) the Section 151 Officer will:
    - Firstly, brief the Leader
    - Secondly, if requested set out the issue and decision to Cabinet or Full Council for approval in line with the mandates of the existing EFDC Constitution
- 2.7. The Business plan meets the requirements set out within the shareholder agreement.

### **3. Business Plan Proposals for 2020-2021**

- 3.1. The Business Plan has been prepared for the whole of the Qualis Group for its first full year of operation. As the Board has only recently been appointed just a single year's Business Plan has been developed at this stage. During the coming year the

new board and executive team of Qualis Group will develop a four-year business plan for 2021 – 2025. Qualis Group, as a new entity, will also need to continue to develop its setup and internal governance arrangements in the first full year of operation.

- 3.2. Whilst the expectation of the Shareholder Agreement is that both a single and 4 year Plan will be developed and presented at the same time, it is accepted that the newly appointed Board will want to consider the medium term business strategy of the Group and that this cannot be completed in only a few weeks.
- 3.3. The proposals contained within the single year Business Plan do not diverge significantly from those set out within the original Business Case presented to Council supporting the creation of Qualis. As this is the case, the pause whilst the medium terms strategy is developed, is considered appropriate and will result in a better longer-term vision for the Group.
- 3.4. The Business Plan sets out the main priorities for each of the companies (Commercial, Living, Management and Community) in sections 5 through to 8.
- 3.5. These priorities are essentially those agreed by Council, when agreement was given to create the Qualis Group, and so are already permitted. There are no new specific requests contained within the Business Plan that require the consideration of the Council, but there are initiatives and activities identified that will need to come back to Council in due course when sufficiently worked up and supported by a full business case.
- 3.6. Taking each arm of the Qualis Group in turn;

#### **4. Qualis Commercial (Section 5 of the Qualis Business Plan)**

- 4.1. Qualis Commercial is the development arm of the Qualis Group. The activities identified within the Business Plan for Qualis Commercial are focused on;

Bakers Lane Car Park -	New Leisure Centre development for EFDC
Cottis Lane Car Park -	New 330 space multi storey car park
Condor Site -	Residential development of 50 dwellings
St Johns Site -	180 residential properties built to rent
Hemnell Street -	Residential development of 41 dwellings
Roundhills -	Residential development of 80 dwellings
Pyrles Lane -	Residential development of 80 dwellings

- 4.2. All of the development sites, with the exception of Pyrles Lane, were part of the original assets transfer and ambition for Qualis. Pyrles Lane has additional planning issues and will require a separate report to Council seeking authority to transfer when these issues are resolved.
- 4.3. These sites are central to the original justification for creating Qualis and their development and transfer is pre-approved under previous Council decisions. The exact form of the development is subject to a consultation exercise and subject to planning consent, in the same way as any other developer would approach these sites.
- 4.4. The expectation is that Qualis will build the Leisure Centre on behalf of Epping Forest District Council and that the Council will purchase the completed centre when fully developed from Qualis. Similar options exist around the Cottis Lane car park site.



- 4.5. The Council has yet to consider the ownership models associated with these developments and how it might fund them. These will need formal consideration and sign-off as part of the Medium Term Financial Plan and Capital programme development process.
- 4.6. The Council has previously approved the sale of these sites and funded Qualis's acquisition through the provision of the necessary loan finance.
- 4.7. Qualis will also require development finance to undertake the development of these sites and the Council has previously agreed to provide up to £66 million in the form of loans to enable this to happen.
- 4.8. The Council has yet to be formally approached for this loan finance and so terms, security and compliance with current regulations has yet to be considered.
- 4.9. Authority to conclude the terms of this development loan resides with the Council's S151 officer.

## **5. Qualis Living (Section 6 of the Qualis Business Plan)**

- 5.1. Qualis Living has been set-up to hold and manage assets once purchased or developed.
- 5.2. The Council has provided £30 million in loan finance to enable Qualis to purchase commercial assets. To date Qualis has spent £19.6 million on two commercial properties and is actively engaged in trying to identify assets to acquire for the remaining £10.4 million.
- 5.3. The Council makes a return on the loan finance provided to Qualis and will benefit from profits ultimately generated from the vehicle.
- 5.4. Qualis indicated a further £30 million will be sought in May 2021, on which the Council will have first refusal, but this will require a separate report to the Council for permission at the time.

## **6. Qualis Management (Section 7 of the Qualis Business Plan)**

- 6.1. Qualis Management has been created to provide facility management services. As of September, the Housing Maintenance service has been transferred to Qualis.
- 6.2. The transfer of other services was part of the original remit for Qualis, but only if a compelling business case could be made demonstrating either commercial advantage and / or financial savings to the Council as a result of the transfer. This may be through the greater efficiency opportunities or through expanding commercial trading activities beyond the boundaries that local authorities must operate within.
- 6.3. The transfer of future services will require a full business case and options analysis and will need the separate agreement of Cabinet.
- 6.4. Beyond the expansion of the Housing Maintenance Service to include Voids and the Kitchen and Bathroom programmes the Business Plan presented here does not seek any new services transfers, but it is expected that opportunities will be developed and presented to Cabinet during the Business Plan year timeframe.

## 7. Qualis Community (Section 8 of the Qualis Business Plan)

- 7.1. Qualis Community is intended to complete the Qualis Group of companies and is to be set up as a Community Interest Company (CIC). It's focus will be on improving the economic, social and general wellbeing of the public through a sustainable approach.
- 7.2. The priority for Qualis Community in the Business Plan period is to set up the Community Interest Company.

## 8. Finance (Section 4 of the Qualis Business Plan)

- 8.1. The Business Plan sets out the Financial projections and forecasts for the Qualis Group for the one year of the Business Plan period and the 4 years thereafter, up to 2024/25.
- 8.2. At the bottom of Page 9 the Business Plan sets out the forecast profits assumed from Group operations over this timeframe. These are provided in the table below;

	2020/21	2021/22	2022/23	2023/24	2024/25
Profit / (Loss)	£238,039	£1,454,238	£2,382,573	£2,509,948	£2,509,311

- 8.3. A Profit and Loss for each of the Qualis Companies is presented within Section 3 of the Business Plan. This is summarised in the table below for 2020/21;

	Total	Group	Commercial	Living	Management
	£	£	£	£	£
<b>Income</b>					
External Income	-2,660,000	0	0	-2,660,000	0
SLA with EFDC	-6,357,341	0	0	0	-6,357,341
<b>Expenditure</b>					
Operating Costs	8,302,105	2,067,178	438,124	94,381	5,702,421
Interest Costs	3,952,418			3,952,418	
<b>Net Cost</b>	<b>3,237,182</b>	<b>2,067,178</b>	<b>438,124</b>	<b>1,386,798</b>	<b>-654,920</b>
WIP - trns to B/S	-3,475,221		-1,547,803	-1,927,418	
Group Recharges	0	-2,129,194	1,064,597	532,298	532,298
<b>Profit / Loss</b>	<b>-238,039</b>	<b>-62,015</b>	<b>-45,082</b>	<b>-8,321</b>	<b>-122,621</b>

- 8.4. In the first full year of trading Qualis forecasts to deliver a profit. However, this is only achieved after £3.475 million of costs are taken to the Balance Sheet as 'Work in Progress'. This is associated with the development sites held by Qualis Living and reflects the accumulated costs of developments, (alternatively this can be considered as anticipated value added to these sites), which will only be realised once the assets are sold. These sit on the Balance Sheet as an asset that will be realised at completion or through sale of a partial development.
- 8.5. There are no stated assumptions within the Business Plan on the distribution or re-investment of these profits.
- 8.6. Qualis remains highly geared through the Business Plan period with almost all of the balance sheet value match by accumulated borrowing. The table below shows the total borrowing, the annual repayment obligations for Qualis and the actual cost to the Council of this borrowing, where is this matched by physical borrowing.

Purpose	Borrowing	Interest	Repayments	EFDC	
				Actual Cost	
	£	£	£	£	
Asset Purchase Loan	(£30m)	1,200,000	-	627,945	Actual
Additional Loan	(£40m)	825,000	-	767,250	Estimated
Working Capital Loan	(£6m)	227,418	1,250,000	-	
Development Loan	(£66m)	1,320,000	2,200,000	1,841,400	Estimated
Development Loan	(£19m)	380,000	633,333	-	
		<b>3,952,418</b>	<b>4,083,333</b>	<b>3,236,595</b>	

8.7. All borrowing is assumed taken at or before the start of the year with the exception of the additional loan which it is assumed will be taken throughout the year.

## 9. Commentary and Resource Implications

- 9.1. The single year Business Plan submitted by Qualis gives the Council the opportunity to have oversight, demonstrate governance and set direction for the Qualis company vehicle over the period of the Business Plan.
- 9.2. The annual consideration and approval of the Business Plan is main mechanism by which the Council can influence the activities of the company by exercising its Shareholder control. It is therefore necessary that the Council properly and fully understands the function and content of this annual Business Plan approval process as once specific actions are approved through this process Qualis can then deliver those actions without further recourse to the Council.
- 9.3. In practice, Qualis is not specifically seeking the approval of any significant new activities within this business plan and the actions it is proposing are those that were clearly articulated in the business case at its creation this time last year.
- 9.4. The fact that these are the same objectives can be attributed to the time taken, (as significantly delayed due to the impacts of Covid19 on the authority and on Qualis), to set-up of the Board and structures, seek the transfer of assets, organise the loan finance and transfer the Housing Maintenance service. This is largely now all essentially complete and Qualis is poised to actively focus on the delivery, development and management of its activities over the forthcoming year.
- 9.5. As not specifically requested within the plan, any further site transfers, requests for new loan finance or transfer or services during the Business Plan period will require further reports to the Shareholder
- 9.6. It should be remembered that the financial forecasts are, just that, at this stage. The majority of the forecast profits are heavily dependent on either planned activities, planned acquisitions or the delivery of planned efficiencies in current operations. This is therefore speculative at this stage.
- 9.7. It is also the case that the Qualis Business Plan is entirely dependent upon ongoing access to borrowing form either the Council or from other lenders with the Council's permission.

- 9.8. Whilst encouraging, and potentially extremely valuable in terms balancing future MTFP targets, the inclusion of dividends within the Council's financial plans should be approached cautiously and should only be done so when evidenced by a proven track record of delivery on the part of Qualis.
- 9.9. Nonetheless, the Business Plan forecasts point to the significant potential gains to the Council from the development and ongoing support of Qualis. This strongly supports its original creation. It should also be emphasised that profits are in addition to the other ways in which the Council financially gains from Qualis, for example, from the millions the Council earns from the lender margins generated from the loans it has given and may potentially give to fund the future acquisitions and developments proposed.
- 9.10. Further development of the model should be explored and encouraged, but the Council must remain cognisant of the total risk and exposure that it's investment and income streams and borrowing represents to the Council's own financial model. Before undertaking new borrowing the Council should reassure itself that the total weight of repayments is affordable and the Qualis income streams are sustainable. To demonstrate this, future Qualis Business Plans and any request for new borrowing from the Council should be accompanied by a risk driven scenario analysis that clearly demonstrates repayments remain affordable.
- 9.11. A clear and transparent focus on robust governance and assurance is likely to become even more important in the next few months, and years, given the stress that the local government finance model is under from external events, including the Pandemic, structural economic changes and the exposure of local authority company failures, such as those recently announced in Croydon and Nottingham.

## **10. Legal and Governance Implications**

- 10.1. None contained within this report.

## **11. Safer, Cleaner and Greener Implications**

- 11.1. None.

## **12. Consultation Undertaken**

- 12.1. None

## **Background Papers**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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