



***CABINET***  
***Monday, 10th October, 2022***

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

**Council Chamber, Civic Offices, High Street, Epping**  
on **Monday, 10th October, 2022**  
at **7.00 pm**.

**G. Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

A. Hendry (Democratic Services)  
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**Members:**

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

**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND**

**1. WEBCASTING INTRODUCTION**

This meeting is to be webcast and Members are reminded of the need to activate their microphones before speaking.

The Chairman will read the following announcement:

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

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

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

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

**2. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

Please use the Members Portal webpage to report non-attendance at meetings <https://eppingforestdc-self.achieveservice.com/service/Member Contact> to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’ <https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**3. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**4. MINUTES**

For information: To note that the minutes of the Cabinet meeting held on 30 September 2022 will be confirmed at the Cabinet meeting on 7 November 2022.

**5. 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.

**6. 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).

**7. 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.

**8. UPDATED MEDIUM-TERM FINANCIAL PLAN 2023/24 TO 2027/28**

(Finance – Cllr. J Philip) To review the Updated Medium-Term Financial Plan 2023/24 to 2027/28 (C-019-2022/23) – report to follow.

**9. QUALIS 1-YEAR BUSINESS PLAN - 2022/23 (Pages 5 - 24)**

(Finance – Cllr. J Philip) To approve the Qualis 1-Year Business Plan for 2022/23 (C-020-2022/23).

**10. EFDC LITTER STRATEGY (Pages 25 - 50)**

(Contracts and Commissioning – Cllr. N Avey) To approve the Epping Forest District Council Litter Strategy (C-015-2022-23).

**11. WASTE AND RECYCLING COLLECTION / STREET CLEANSING CONTRACT (Pages 51 - 62)**

(Contracts and Commissioning – Cllr. N Avey) To agree to go to market and run a full procurement process and allocate funding for environmental consultants to lead on the procurement (C-018-2022/23).

**12. CORPORATE PLAN 2023 - 2027 (Pages 63 - 76)**

(Leader of Council – Cllr C Whitbread) To agree the proposed new Corporate Plan for 2023 – 2027 (C-016-2022-23).

**13. MARKET POLICY (Pages 77 - 106)**

(Technical Services - Councillor K Williamson) To adopt the proposed Market Policy (C-011-2022-23).

**14. 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.

**15. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt

information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

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

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

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

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

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

## Report to the Cabinet

**Report reference:** C-020-2022/23  
**Date of meeting:** 10 October 2022



**Portfolio:** Finance – Cllr J. Philip  
**Subject:** Qualis 1 Year Business Plan – 2022/23  
**Responsible Officer:** Andrew Small (07548 145665).  
**Democratic Services:** Adrian Hendry (01992 564246).

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### Recommendations/Decisions Required:

After considering the views expressed by Overview and Scrutiny Committee and after making any amendments considered necessary:

- (1) **Approve the 1 Year Qualis Business Plan, including the specific permission set out within this covering report.**
- (2) **Delegate to the Portfolio Holder the negotiation of commercial terms with Qualis for contracting out of the management of the Council’s commercial assets, thereby formalising the interim arrangements which are due to end on the 30<sup>th</sup> September 2022, (including the formal transfer of the 2 asset management staff).**

### 1. Executive Summary

- 1.1. It is a requirement of the Shareholder agreement that each year Qualis produce and present to the Council a one year and a 4 year Business Plan for the Council to consider and sign-off.
- 1.2. Events at a national and global level have introduced a rapidly changing and volatile position which is impacting heavily upon the Council’s own financial planning. Qualis is far from immune to these impacts and is needing to adapt and change its plans in response to external influences and factors, inflation not being the least of these. In this space Qualis have brought forward a 1-year plan which responds to the uncertainty immediately in front of them. The medium-term impacts on their strategy will be reflected in the 4 year Business Plan which will be presented when the current uncertainty reduces.
- 1.3. This report presents the 1 Year Qualis Business Plan and seeks the Council’s permission to adopt this as its direction and focus.
- 1.4. Qualis was initially created by the Council to solve specific problems including the housing maintenance contract re-let and to progress a number of council owned regeneration sites. In the last Business Plan the Council had worked with Qualis to explore and refine its future purpose and the emerging focus was that of property development and management company. The shared ambition seeks to consolidate

all property Council management and development activities under the Qualis umbrella so that their specialism and expertise could be utilised to provided better quality and better value services.

- 1.5. This Business Plan seeks to build on and further develop this intention. However, the work jointly undertaken by Qualis and the Council to develop this plan has had to take account of the uncertain economic landscape and is deliberately more cautious as a result.
- 1.6. The Business Plan was extensively scrutinised by Overview and Scrutiny Committee on 27<sup>th</sup> September 2022 and members of that committee had the opportunity to ask questions of the officers, of Qualis and of the Council's shareholder representative (the Portfolio Holder for Finance, Economic Development and Qualis). Commitment was again given to present to Overview and Scrutiny Committee the business case for transferring Ground Maintenance to Qualis before any decision is taken to do so.
- 1.7. The Cabinet is asked to consider and reflect on the detail of the attached 1 year Business Plan and either approve the plan or make such suggested amendments as the shareholder considers necessary.

## **2. Introduction**

- 2.1. The ownership structure of Qualis was specifically defined in a way to reserve certain key decision for the Shareholder to make. These include certain matters of Governance, Risk and Strategic Direction.
- 2.2. The detail is set out in the Shareholder Agreement and Governance arrangements agreed by Cabinet in February 2020. This sets out the decision-making framework for Qualis and the ways in which the Council can influence or control Qualis activities in its capacity as Shareholder.
- 2.3. Broadly, the principal control will be through the approval of the annual Business Plan. Qualis presents its proposals each year within the Business Plan and only if the Council agrees this can Qualis implement them. This represents the critical control over the activities of Qualis and appropriate and detailed consideration should be given to the sign-off accordingly.
- 2.4. If Qualis wishes to undertake certain activities that was not included within the Business Plan then under the 'Reserved Matters' part of the Shareholder Agreement it must ask for the Council's permission.
- 2.5. Once the Business Plan is agreed, the Council monitors delivery through Quarterly Monitoring reports. This provides the opportunity to monitor progress and to receive assurance that performance and the finances of Qualis are as expected.
- 2.6. The Shareholder agreement requires a 1 year plan for the forthcoming year and a longer looking 4 year plan, setting out direction of travel and broad intent. As the actions included in the 4 year plan become imminent, they are included in the 1 year plan and seek Council approval at that point. Inclusion in the plan and the Council's agreement to it, gives Qualis the permission to proceed without further recourse to the Shareholder, unless the permission is qualified thereby requiring that it should.
- 2.7. The current national and global economic uncertainty creates significant difficulty in updating the 4 year plan as there is little confidence over how long current conditions

will last, where they will peak and how high they peak at. The logical impact on business planning would be to build in additional caution which may be undeserved. Qualis has therefore focused on the more immediate activities contained in the 1 year plan and seeks a pause whilst they try to better understand how markets are developing and their likely impact on prices. This will enable them to develop a more realistic plan for future years enabling both the Council and Qualis to better understand future benefit.

- 2.8. The key elements of the attached plan are set out below divided into the respective headings.

### **3. 1 Year Business Plan**

- 3.1. As with the Council budget, the Qualis Business model is sensitive to turbulent market conditions. Notably the impacts of construction price inflation and higher costs of borrowing. The Business Plan focuses on reviewing all existing assumptions and refining these considering tightening margins.
- 3.2. Originally the council created Qualis to solve specific problems around redevelopment and housing maintenance but this has been expanded to take on a wider property development and management portfolio.
- 3.3. In accordance with this some new areas of activity are proposed for inclusion within the Business Plan for 2022/23, such as Grounds Maintenance and a longer-term agreement on Asset Management. Terms for each of these new proposed activity areas have yet to be agreed.

#### Commentary

- 3.4. The economic challenges facing the Country impact on Qualis in a similar way to the Council, yet Qualis is more sensitive to certain inflationary pressures. Building materials are energy intensive to produce and so inflation is having a greater impact on these. Add to this higher borrowing costs and uncertainty over the sales prices and the result is a squeeze in developer margins. The Business Plan focuses on these impacts and introduces approaches and strategies to manage the impacts.
- 3.5. Qualis is well set with an experienced and capable management team to respond to the challenges ahead, but it recognises that one option may be to slow certain developments if viability looks too challenging or too high risk. Whilst disappointing, the wider events which have caused this are outside of the control of Qualis and the Council. The correct response is to be aware of the impacts and take action accordingly to mitigate risk and maximise return.
- 3.6. Qualis has a robust governance structure, including members and officer board representation, which gives the Council considerable control over direction and performance and allows it to directly benefit from the successes of Qualis. This position of confidence can be exploited to allow for complementary working and specialism without the requirement for duplication. For example, the Council doesn't need its own property advisors when Qualis also has a team of property advisors, similarly this applies with maintenance functions. Duplication is expensive and inefficient for the taxpayer when the Council could equally utilise its close relationship with Qualis to deliver these functions.

- 3.7. Allowing Qualis to specialise and grow its activity in the property area enables the council to delegate or transfer those aligned activities and associated risks to Qualis at an appropriate time in the future, (subject to the appropriate checks, balances and performance measures), allowing for better outcomes, better returns and greater efficiency. In turn, higher profits will be returned to the council from these activities, whilst enabling the council to reduce its cost base and allowing it to concentrate on its key priority activities.
- 3.8. Last year it had been agreed to explore asset transfer (the Council's commercial assets) to Qualis, but current market conditions have also reduced financial viability here to the point where it is necessary to pause exploration. However, Qualis has been successful in their management of these assets on the Council's behalf and the Plan contains a proposal to put this within a formal arrangement. Given the uplift in rental incomes secured by Qualis over the past 12 months this makes sense. This is explored in more detail in a later section.

#### **Specific Permissions Required from Epping Forest District Council**

- 3.9. To agree the 1 year Business Plan as attached as Appendix A.

#### **4. Qualis Living**

##### **Key Priorities Identified by Qualis**

- 4.1. As part of the Council loan facilities to Qualis, the Council agreed a £35 million Regeneration Loan facility so that Qualis could identify and acquire properties within the District which would benefit from regeneration through redevelopment. To date, Qualis has yet to secure any suitable opportunities and so this facility remains unused at the present time. Qualis is optimistic that the wider market uncertainty might create opportunities and with this facility at their disposal they will be well placed to move swiftly.
- 4.2. Last year's Business Plan, adopted by the Council, included the temporary transfer of the management of Council's commercial asset portfolio to Qualis in order that Qualis might better understand the nature of the portfolio and the opportunities for maximising returns and redevelopment contained within it.
- 4.3. Qualis was able to do this as it had its own team of property specialists and together with the secondment of the Council's property management team, the skills and expertise to undertake this review were then co-located in the same place.
- 4.4. Ultimately this was intended to lead to the development of a proposal to transfer all the Council's commercial assets to Qualis. However, the economic uncertainty has now made this unattractive in the current market. Increased borrowing costs and uncertainty over the income stream derived from the portfolio in a potential recessionary scenario create higher risks to viability, which mean that now is not the right time to progress this opportunity.
- 4.5. However, Qualis has successfully improved the management of the Council's portfolio, with improvements to record management, reduction in tenants' arrears and proactive action on expired and expiring leases.
- 4.6. The net result is a 5% uplift in the income derived from the Portfolio to the Council's benefit, which it is expected would not have been achieved under historic arrangements.



- 4.7. To date Qualis has been undertaking this function at 'cost' to the Council as it suited the Qualis development of a wider acquisition proposal. With this no longer viable in the short-term any formalisation of this activity would need to be accompanied by market commercial terms. This would normally include some incentivisation to increase the income derived from the Portfolio.

### **Commentary**

- 4.8. As the Council and Qualis are now both managing commercial assets for financial return it would make sense if just one party continued to develop this specialism and their expertise in this area so that duplicated costs can be avoided. This has proved successful with improvements in processes and, importantly at this current time, the income generated by the Council.
- 4.9. Therefore, subject to suitable commercial terms being agreed, the Business Plan proposes, and the Council is recommended to endorse, the formalisation of this arrangement with the Council and Qualis standing to benefit financially from Qualis creating additional value from the portfolio. Subject to consultation this would include the permanent transfer of the property team to Qualis.

### **Specific Permissions Required from Epping Forest District Council**

- 4.10. Subject to terms being agreed that demonstrate Value for Money, to contract with Qualis for the management of the Council's investment and commercial property portfolio and to permanently transfer the staff in the Asset Management team under TUPE arrangements.

## **5. Qualis Commercial**

### **Key Priorities Identified by Qualis**

- 5.1. The Business Plan sets out the existing regeneration schemes that Qualis is currently progressing, specifically, Cottis Lane, supporting the Bakers Lane Council Leisure centre, St John's Road, Conder Building, Hemnall Street and Roundhills.
- 5.2. A Business Case was put to the Council for the acquisition and redevelopment of Pyrles Lane and this was subsequently approved. It is expected this will require loan funding from the Council in order to develop out the site and this is covered within the £35 million Regeneration facility approved by the Council below.
- 5.3. The Council has also agreed the sale to Qualis of an industrial site in Cartersfield Road also funded through the £35 million Regeneration Loan Facility.
- 5.4. Beyond these existing specific sites, the Qualis Business Plan is predicated on the identification and development of a pipeline of similar sites which would aid the district by bringing forward potentially difficult sites for regeneration and development of new private, affordable and rented housing, thereby addressing the housing shortage in the district and capturing potential developer profits for re-investment or for the benefit of the Council.
- 5.5. Regeneration across the District has always been a priority for the Council and the delivery of new housing and new jobs meets the Council's corporate aims and objectives.

- 5.6. However, the Plan recognises that delivering Regeneration schemes, particularly new housing, will become more challenging in the current environment as inflationary cost pressures, higher costs of borrowing and uncertainty in the housing market all put a squeeze on viability.

### **Commentary**

- 5.7. The original vision for Qualis was around redeveloping some of the Council's more challenging sites for the benefit of the district (providing housing, retail, leisure and jobs).
- 5.8. The one year Business Plan presented here continues to focus on this ambition but deals honestly with the new challenges that the current economic uncertainty introduces. The main developments in this Business Plan window remain the redevelopment of the Epping Sites, where tangible progress is being made, Roundhills, Pyrles Lane and Cartersfield.
- 5.9. It is important to respond to the dynamic environment that currently exists by continually re-evaluating and removing / mitigating risk wherever possible. It will be important to recognise where schemes temporarily cease to become viable and to pause development if this is the case, so as not to create loss making developments. This would be the same approach adopted by other private sector developers and will be mirrored by Qualis.
- 5.10. The Quarterly monitoring reports provided by Qualis provide the opportunity for the Shareholder to understand the current position and make recommendations, if felt necessary. The Council's representatives on the Board also provide a real-time check on investment decisions.
- 5.11. It is certain that the current financial instability facing the Country is temporary. Whilst the Council would wish to see the redevelopments proceed and to enjoy the financial returns that this would generate, proceeding whilst ignoring the risk inherent in the current financial landscape would be high risk. The Business Plan recognises this and instead proposes moving forward with caution, consulting with the Shareholder where appropriate.

### **Specific Permissions Required from Epping Forest District Council**

- 5.12. No new permissions sought within this Business Plan.

## **6. Qualis Management**

### **Key Priorities Identified by Qualis**

- 6.1. The Business Plan continues to concentrate around developing the housing repair service provided to the Council but also on seek to develop other services which clearly or logically align to the property development and management focus of Qualis.
- 6.2. In addition to Asset Management, the other property function directly provided by the Council is Ground Maintenance. This was referenced and approved for consideration last year and work continues between Qualis and the Council to agree a proposal.

### **Specific Permissions Required from Epping Forest District Council**

6.3. No new permissions sought in this single year Business Plan.

## **7. Qualis Community**

### **Key Priorities Identified by Qualis**

7.1. This year's Qualis Business Plan includes a set of priorities for Qualis Community. Qualis Commercial has been created as a community interest company where all activities and profits generated are reinvested for the benefit of the Community.

7.2. There are no detailed proposals requiring the Council's permission coming forward at this stage.

### **Specific Permissions Required from Epping Forest District Council**

7.3. No new permissions sought in this single year Business Plan.

## **8. Risk Analysis**

8.1. The Business Plan identifies that this one year plan has been developed in a challenging economic environment that has implications for previously forecast ambitions and returns. These events have emerged rapidly, were largely unforeseen and consequently were near impossible to plan for. Higher prices and higher borrowing costs, which apply equally to the Council, also impact significantly upon Qualis forecasts and short-term planning. Long term plans will be re-evaluated when greater clarity exists over the potential impacts.

8.2. The risk which are seen as key to the Council are those set out below;

8.3. Qualis failure to repay loans – the Council has already invested heavily in Qualis with loans already made totalling £61.75 million and existing approvals given for a further £96 million. Total indebtedness of Qualis to the Council will rise to £157.75 million within a few years with £141 million directly borrowed by the Council from external lenders. The cost of borrowing to the Council had been at near historic lows since for more than a decade up until last year but are now rising steadily in response to the economic factors previously referred to. The borrowing already advanced to Qualis captured these low rates in the form of fixed term borrowing, thereby mitigating the risks from interest rate rises. However, any new borrowing will be at higher rates than had been envisaged when the original development plans had been put together and which had been assumed in the Council's budget plans. These increases erode the returns envisaged by the Council and, if passed on to Qualis, the viability of their development proposals. The terms of the construction loan facility previously agreed will need to be revisited in order to provide a balance between risk and return to the two parties. As the borrowing is taken in the Council's name, it will be responsible for the repayment of these loans, irrespective of whether Qualis makes its repayments. The Council needs to be confident that Qualis business model is sufficiently robust in order that it can meet its obligations and that it is not taking undue risks. The Council has sought to protect its own interests by taking security over all Qualis assets and bank balances so that in the unlikely event of default the Council can liquidate and repay its debts.

- 8.4. Optimism Bias – the Business Plan forecasts are dependent upon a number of actions and plans coming to fruition in accordance with timelines set out. In practice events may happen sooner than planned or be delayed as a result of events outside of the control of Qualis; the current economic conditions and the Covid19 Pandemic being good examples. Qualis has been through its current Business Plan and reassessed each element using central assumptions in order to eliminate any bias towards optimism but in a volatile operating environment a wider divergence from the central plan remains an elevated risk and the Council should expect that this may materially impact upon the level and timing of returns to Qualis and the Council.

### **Commentary**

- 8.5. There are risks inherent in any commercial venture, whether run by the Council or carried out within an arms-length company. These can never be fully hedged off and the need for councils to find new income streams and efficiencies means that doing nothing represents an even greater risk of failure.
- 8.6. Therefore, the Council needs to proceed by not trying to avoid all risk, but by understanding the risks and ensuring it has mitigations in place. The Council's commitment to Qualis is underpinned by security over property and cash held by Qualis, and whilst this creates its own problems (such as the risk of a property price crash) if suitable diversified and managed the absolute risk to the Council remains fairly low.
- 8.7. The Council's control over these risks is through the regular and robust monitoring of quarterly performance, the Council representation on the Board of Qualis, the annual review and monitoring of Business Plan updates and through the Council's democratic process. Qualis continues to make significant interest payments to the Council on the loans previously drawn down and these amounts are important to the Council in delivering its budget.

## **9. Resource Implications**

- 9.1. Qualis was created partly to resolve operational and development challenges being faced by the Council but the Council was also attracted to the significant financial upside, (as shareholder and lender), of benefiting from returns and development profits which would normally have been returned to lenders or the private sector.
- 9.2. The returns and margins delivered by Qualis are central to the Council's Medium Term Financial Plans which allow the continued delivery of core and value-added services to the residents, whilst at the same time minimising Council Tax increases.
- 9.3. Unfortunately, Qualis is no more immune from wider economic factors anymore than the Council is. The sudden increase in fuel prices, leading to large inflationary pressures and increases in borrowing costs is squeezing the Qualis financial model from all sides and causing profits and returns to be pushed out. This has required a large readjustment of assumptions and forecasts of gain. The Council is wrestling with similar challenges that are creating massive pressures on its on budget.
- 9.4. The table below sets out the combined Profit and Loss account for Qualis as included within the single year Business Plan.

Qualis	Group £,000's	Commercial £,000's	Living £,000's	Management £,000's	Total £,000's
Total Income	2,532	1,764	3,378	12,324	19,998
Total Expenditure	2,412	1,684	1,312	11,980	17,388
Interest Payable			2,458		2,458
Profit / -Loss before Tax	-120	80	-392	344	152
Return					0.9%

9.5. These forecasts include the assumption that the Asset Management arrangements are formalised, and that Grounds Maintenance is transferred before the 1<sup>st</sup> April.

9.6. For comparison the predicted Profit and Loss Account in the 4 Business Plan presented last year (shown below) had shown fast growth in income, expenditure and profits in 2022/23 of the Plan. The 4 year plan update will need to reflect a slowdown in developments associated with current and forecast economic conditions.

Qualis	2021/22 £,000's	2022/23 £,000's
Total Income	13,857	53,038
Total Expenditure	13,549	48,689
Profit / -Loss before Tax	308	4,349
Return		8.9%

9.7. Last year's figures include expected returns from the growth in the Qualis commercial property portfolio (funded from market borrowing), development profits from new sites which have yet to be acquired (funded by loans from the Council) and the transfer of Council services, specifically Grounds Maintenance and the Asset Management Team, but excludes any opportunity derived from the potential transfer to Qualis of the Council's commercial asset portfolio. The reduction in forecast profit is largely associated with not being able to acquire new commercial property, (funded by market borrowing), outside of the District and with delays in securing Planning consent for the Epping sites.

### Commentary

9.8. The Business Plan presented shows a significant downwards readjustment in forecast returns associated with wider economic factors. All elements of the economy are dealing with the same pressures and commentators are predicting that this will result in a slow down of the wider economy. Neither the Council nor Qualis are immune from these pressures and must adjust plans accordingly.

9.9. It is hoped that these factors are short term and that inflationary quickly peaks and returns toward its historic long terms target. However, whilst they persist Qualis must factor in the consequences into its plans.

9.10. In turn the Council will need to be realistic, that any prospect of dividends will also be pushed out and borrowing margins on new borrowing taken by Qualis will be lower than had been previously assumed. These impacts will need to be factor into the Council's own financial planning over the next few months.

9.11. The Council had previously not assumed the receipt of any profits forecast from the Qualis Business Plan, instead allowing Qualis to reinvest it profits so that it could build resilience into its financial model, provide investment capital and to build a buffer which could absorb financial shocks.

- 9.12. Other than a reduction in margin on lending to Qualis, the Council's budget is not impacted by the reduced profit forecast, but Qualis own ability to build strength into their financial model will take significantly longer than had been previously assumed because of these wider external factors.
- 9.13. It is considered that the assumptions are more realistic and more reflective of the current operating environment, and whilst it is hoped these factors are short lived, it is considered right that Qualis is more cautious at this time.

## **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**

Group Company Governance Document – Cabinet 6 February 2020



Qualis Group  
Business Plan  
1 October 2022 to  
30 September 2023

## Contents

<b>1.</b>	<b>Introduction</b>	<b>03</b>
<b>2.</b>	<b>Group Structure</b>	<b>03</b>
<b>3.</b>	<b>Market Conditions</b>	<b>03</b>
<b>4.</b>	<b>Strategic Priorities</b>	<b>04</b>
<b>5.</b>	<b>Financial Information</b>	<b>05</b>





## 1. Introduction

Qualis Group Limited (“Qualis”) was established in 2019 and is wholly owned by Epping Forest District Council (“EFDC”). Qualis was set up to deliver benefits to both the Council and the wider community by generating income and to provide innovative solutions to drive efficiencies. With an agile business model and strong commercial expertise, the Group is ideally placed to do this whilst also responding to the challenges within the marketplace.

This is the third One Year Business Plan (“the Plan”) for Qualis Group and subsidiaries covering the period from 1 October 2022 to 30 September 2023. The Plan provides updates on progress against objectives set out in the first Four Year 2021-2025 and 2021-2022 One Year Business Plan and provides details of strategic focus over the next 12 months.

## 2. Group Structure

**Qualis Group** – is the parent company that has responsibility for the operational and financial performance and governance of the subsidiary companies.

**Qualis Living** – is the property investment company that owns and manages property to maximise returns for the Group.

**Qualis Commercial** – is the development company that builds schemes on land purchased from the Council and land acquired on the open market.

**Qualis Management** – is the property services company that provides a range of services to the Council and will in future years will develop external partnerships.

**Qualis Community** – is the community interest company that will support activities and projects that provide a direct benefit to the community.

## 3. Market Conditions

Both public and private sector organisations are feeling the pressure of the current economic climate, with inflation and energy prices remaining a top concern for businesses. For Qualis, the primary challenge relates to construction price inflation, which has the potential to significantly reduce the profitability of our initial projects.

To mitigate the impact of these turbulent market conditions on our development profits and the broader financial strength of the Group, we are taking the following action:

- Revisiting appraisals to identify savings through changes to specification, supply chain efficiency, and project resourcing.
- Continuing open dialogue with EFDC to ensure budget assumptions are realistic, in particular around loan draw down and project timings.
- Reviewing the suitability of loan facility agreements noting rising interest rates and the economic outlook.
- Reassessing the approach to procurement for each development to provide maximum flexibility, and where possible, transfer risk.

- Leveraging the Group structure and diverse capabilities to create new sources of income through a wider range of activities, including bringing forward the search for partners and company acquisitions in Qualis Management.
- Reviewing our risk appetite and assessing potential upside risk, including capital value adjustments that may create new investment opportunities.
- Rebalancing our development pipeline between industrial and residential to improve the resilience during uncertain economic times.

#### 4. Strategic Priorities

The primary objectives of the Group are unchanged from the last Business Plan:

- To bring forward the development of key sites to provide new homes, public amenities and business premises within the District.
- To act commercially to maximise profits within Qualis and deliver sustainable returns to the Council as Shareholder that will replace reduced Government funding.
- To deliver long-term value across all Group activities and positively impact communities, the environment and local economy.
- To build a highly effective team and create a corporate culture that empowers and inspires people to deliver excellence.

In line with these objectives, focus will be on the following activity during the year ahead.

- Identify market opportunities within the District that meet investment criteria and satisfy Public Works Loan Board requirements.
- Formalise management arrangements for the EFDC commercial investment portfolio.
- Complete the purchase of leasehold interests at key industrial sites that will provide additional income and bring forward options for redevelopment.
- Move forward with project milestones on the initial Epping site, including a construction start at Conder, St Johns and completion of the highway infrastructure to facilitate the start of the new leisure centre.
- Complete and open to the public the new multi-storey car park on Cottis Lane.
- Commence demolition and accelerate the delivery of the new industrial units at Cartersfield Road, Waltham Abbey.
- Progress development at Roundhills and Pyrles Lane sites (subject to planning permission and local plan adoption).
- Transfer and successfully mobilise the grounds maintenance, boiler installation and aids and adaptation services.
- Develop partnership strategy for established services to increase income and reduce costs to EFDC HRA.

- Identify suitable joint venture opportunities or company acquisitions to accelerate growth and maximise income.

## 5. Financial Information

For the 2022-2023 financial year we have adjusted assumptions to reflect the current economic challenges. These include adjustments for:

- Higher inflation
- Rising interest rates and energy prices
- labour shortages and the broader cost of living crisis.

The direct impact of these factors means that the business should expect a higher cost of operation and lower returns from its activities. These impacts are reflected in our assumptions.

The following statements summaries the forecast trading activity for the forthcoming year:

### Income and Expenditure Statements for the Group Companies

#### Qualis Group

Qualis Group	Budgeted Income and Expenditure Statement	2022/2023
	Description	£000's
<b>Expenditure</b>		
	Staff costs, incl. employee benefits and Board costs	1,753
	IT software and subscriptions, depreciation, telephony, finance, and HR systems	257
	Premises costs and corporate insurances	97
	Legal, audit and other consultancy fees incl. risk management and KPMG	132
	Accreditations and certifications	140
	Contingency	33
		<b>2,412</b>
	<b>Inter-company re-charge of Group overhead (with a 5% margin):</b>	
	Qualis Living	844
	Qualis Commercial	844
	Qualis Management	844
		2,532
	Net income/(expenditure) before tax	<b>120</b>

## Qualis Commercial

Qualis Commercial	Budgeted Income and Expenditure Statement	2022/2023
	Description	£000's
<b>Income</b>		
	Estimated recharge of WIP costs both externally to EFDC and to properties held by Qualis Living	1,764
		<b>1,764</b>
<b>Expenditure</b>		
	Salaries	734
	Training	6
	Legal and audit fees	13
	Recruitment	17
	Accreditations	6
	IT	45
	Expenses travel and other	14
	Contingency	5
		<b>840</b>
	Group recharge	844
	Total overhead	1,684
	Net income/(expenditure) before tax	<b>80</b>

## Qualis Living

Qualis Living	Budgeted Income and Expenditure Statement	2022/23
	Description	£000's
<b>Income</b>		
	Rental income	2,670
	Asset management fee income	708
	Profit on disposal of properties	0
		<b>3,378</b>
<b>Expenditure</b>		
	Salaries	396
	Cost of collection and other external charges	20
	IT	15
	Recruitment	15
	Audit fee	13
	Training, accreditation and other expenses	5
	Contingency	4
		<b>468</b>
	Group recharge	844
	Total overhead	1,312
	Interest payable	2,458
	Net income/(expenditure) before tax	<b>(392)</b>

## Qualis Management

Qualis Management	Budgeted Income and Expenditure Statement	2022/2023
	Description	£000's
<b>Income</b>		
	Responsive Repairs	4,073
	Voids	2,763
	Planned Maintenance	1,948
	Gas Servicing and Repairs	1,418
	Cyclical Decoration	40
	Boiler Replacements	500
	Grounds Maintenance	764
	Aids & Adapts	200
	Electrical Testing & Remedials	618
		<b>12,324</b>
<b>Expenditure</b>		
	Responsive Repairs	3,343
	Voids	2,637
	Planned Maintenance	1,831
	Gas Servicing and Repairs	1,299
	Cyclical Decoration	32
	Boiler Replacements	425
	Grounds Maintenance	690
	Aids & Adapts	155
	Electrical Testing & Remedials	724
		11,136
	Group recharge	844
	Total overhead	11,980
	Net income/(expenditure) before tax	<b>344</b>

## Cash Flow Forecast

Qualis Group of Companies	Forecast Cash Flows	2022/2023
	Description	£000's
Opening Position		1,580
Inflows (Loans)		
	Construction	66,965
	Regeneration	7,326
	Working capital	2,550
	<b>Sub-total</b>	<b>76,841</b>
Inflows (operational)		
	Living	3,398
	Commercial	444
	Management	12,324
	<b>Sub-total</b>	<b>16,166</b>
<b>Total inflows</b>		<b>93,007</b>
Expenditure (Investment)		
	Construction costs	66,052
	Acquisitions	7,326
	<b>Sub-total</b>	<b>73,378</b>
Expenditure (Operational Including Interest)		
	Group	2,412
	Living	2,740
	Commercial	840
	Management	11,136
	<b>Sub-total</b>	<b>17,128</b>
Loan Repayments		
	Investment Asset Purchase	1,200
	Asset Purchase	492
	Working capital	1,200
	Development advance	200
	Construction - amortisation	300
	Construction - on disposals	297
	<b>Sub-total</b>	<b>3,689</b>
<b>Total cash outflows</b>		<b>94,195</b>
<b>Net cash movement in the year</b>		<b>(1,188)</b>
<b>Closing position</b>		<b>392</b>

## Consolidated Balance Sheet

Qualis Group of Companies - Consolidated Balance Sheet	2022/2023
	£000's
<b>Fixed Assets</b>	
Plant, Vehicles and Equipment	134
Property	125,518
	<b>125,652</b>
<b>Net Current Assets</b>	
Cash	392
Debtors & creditors	3,040
	<b>3,432</b>
<b>Loans</b>	(132,686)
<b>Net Asset/(Liabilities)</b>	(3,602)
<b>Capital and Reserves</b>	
<b>Profit and Loss Account</b>	(3,602)
	<b>(3,602)</b>



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## **Report to the Cabinet**

**Report reference: C-015-2022/23**

**Date of meeting: 10 October 2022**



**Epping Forest  
District Council**

**Portfolio: Contracts and Commissioning – Cllr. N Avey**

**Subject: Epping Forest District Council Litter Strategy.**

**Responsible Officer:** James Warwick (01992 564350).

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

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

**To approve and adopt the Epping Forest District Council Litter Strategy.**

### **Executive Summary:**

This report sets Epping Forest District Council's commitment to the Government's Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

The strategy aims to:

- change the behaviour of people who feel it is acceptable to drop litter through education and social media campaigns
- make it easy to dispose of litter, provide the appropriate facilities in the right places, and collect litter in a timely fashion
- improve enforcement by exercising council powers to deal with anyone who drops litter

This Litter Strategy explains how Epping Forest District Council's plans to continue its work in not only, meeting the Government's expectations but also reflect resident's desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.

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

The Litter Strategy sets out three principal reasons why the Council needs a litter strategy, namely:

- Publication by the UK Government of the National Litter Strategy for England and the Code of Practice on Litter and Refuse 2019 (COPLAR);  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/834331/pb11577b-cop-litter1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834331/pb11577b-cop-litter1.pdf)
- The importance of maintaining a clean environment and the need for a clear statement of how we intend to achieve this aim.
- The continuing pressure on Council budgets.

## **Other Options for Action:**

Epping Forest District Council have never had a Litter Strategy, we can continue to operate without a litter strategy, but this strategy explains how Epping Forest District Council and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter.

## **Report:**

1. The Litter Strategy (Appendix A) will help to deliver the commitment to the Government's Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019). The strategy for a Cleaner Epping Forest District lays out EFDC's plans to continue its work in the transformation of our open spaces and streets to ensure that in, not only, meeting the Government's expectations but also reflect resident's desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.
2. This strategy explains how Epping Forest District Council (EFDC) and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter. Residents, visitors, and businesses expect to see clean streets and open areas free of litter, weeds and dog fouling. One of the most important measures in improving the appearance of a street or area is street sweeping, it is one of the most important services any council operates. The most obvious benefits of street sweeping are overall appearance, perceived safety and pride in your local area which all help to create a positive and welcoming environment. Whereas the opposite can feel threatening and can give the impression of a run down and value-less area.
3. Officers will work with Keep Britain Tidy to ensure this strategy and associated actions are in keeping with the aspirations of the Governments Litter Strategy.
4. The Delivery of the Litter Strategy will contribute positively towards the Council's environmental polices including its intention to reduce carbon in response to the climate emergency. In addition to statutory performance indicators, success will be measured in the Council's reduced carbon footprint i.e., less waste to landfill. Additionally, the Strategy will provide a platform to engage with partners to enhance the local environment, by securing behaviour change which will positively contribute towards the continuing aspirations of the Council as an area to visit, work and play.

## **Resource Implications:**

Epping Forest District Council commits around £1.7m annually on its services relating to litter, fly tipping and street cleansing and the strategy will be used to improve the targeting of these resources. Some of the money spent on street cleansing/litter removal is avoidable – if there was no dropped litter, fly-tipping, or dog fouling then the Council would not need to spend money collecting and disposing of it.

## **Legal and Governance Implications:**

Epping Forest District Council has duties under the Environmental Protection Act 1990 (EPA 1990). There are two duties within section 89 of the Environmental Protection Act 1990 that mean certain organisations (mostly public bodies) are to, as far as is practicable:

1. Keep land clear of litter and refuse
2. Keep roads clean

**Duty 1** Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse.

**Duty 2** Section 89(2) places a further duty on the Secretary of State in respect of motorways (National Highways) and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean

**Safer, Cleaner and Greener Implications:**

The proposals listed in the report will have a positive impact on the street scene in the District.

There are no adverse implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Change Agenda and Safer, Cleaner, Greener initiatives, or any crime and disorder issues within the district.

**Consultation Undertaken:**

This report has been presented to the Waste Management Partnership Board and Stronger Place Select Committee. Consultation with Environmental Services.

**Background Papers:**

None

**Risk Management:**

None

## 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

<b>Section 1: Identifying details</b>
Your function, service area and team: Contracts (Waste Management)
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision: Litter Strategy
Officer completing the EqIA: James Warwick Tel: 4350 Email: jwarwick@eppingforestdc.gov.uk
Date of completing the assessment: 06/06/22

<b>Section 2: Policy to be analysed</b>	
2.1	<p>Is this a new policy (or decision) or a change to an existing policy, practice or project?</p> <p>New Strategy.</p>
2.2	<p>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)?</p> <p>The Litter Strategy will help to deliver the commitment to the Government’s Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019). The strategy for a Cleaner Epping Forest District lays out EFDC’s plans to continue it’s work in the transformation of our open spaces and streets to ensure that in, not only, meeting the Government’s expectations but also reflect resident’s desire to have a clean and healthy local environment free of litter, fly-tipping and dog waste.</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>Residents will receive the same level of services as they currently do from the Waste Contract.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>Yes, an improvement in services.</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>Climate Change Action Plan and Policy</p>
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### 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?  The current contract serves all residents of the District and all residents can access EFDC's waste collection service
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? N/A
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: N/A

## 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	Neutral This service is for all residents regardless of age.	L
Disability	Neutral The service is for all residents and assisted collections can be arranged	L
Gender	Neutral The service is available to all residents.	L
Gender reassignment	Neutral The service is available to all residents.	L
Marriage/civil partnership	Neutral The service is available to all residents.	L
Pregnancy/maternity	Neutral The service is available to all residents.	L
Race	Neutral The service is available to all residents.	L
Religion/belief	Neutral The service is available to all residents.	L
Sexual orientation	Neutral The service is available to all residents.	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 'YES', 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:



Date: 06/06/22

Signature of person completing the EqIA: James Warwick

Date: 06/06/22

**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 Litter Strategy

Working towards a litter free district – turning passive support into positive action.



# **Epping Forest District Council Litter Strategy**

## **Contents**

- 1. Introduction**
- 2. Visions and Aims**
- 3. Reporting Progress**
- 4. Appendices**
  - 1 Useful Contacts & Information Sources
  - 2 Council's Legal Duty – Clearance of Litter and Refuse
  - 3 The Code of Practice
  - 4 Enforcement Powers

## 1. Introduction

We want Epping Forest District to be a great place to live and work, with clean streets, open spaces, and countryside. It is accepted that litter, attracts littering behaviour, and we will continue working to address the litter issue, because maintaining a clean local environment is good for both our wellbeing and our local economy.

This strategy will help to deliver the commitment to the Governments Litter Strategy for England along with The Environmental Protection Act (1990) and the Code of Practice on Litter and Refuse (2019).

This document explains how Epping Forest District Council (EFDC) and other relevant partners can meet their legal duties to keep streets and open spaces for which they are responsible clean and free of litter.

Dealing with litter places a significant burden on the District Council, with an annual cost to the local taxpayer which would be better spent improving other local services. Living in a littered environment makes people feel less safe in their communities, and less likely to venture out which in turn affects mental and physical health. It is in all our interests to tackle this problem, to make littering socially unacceptable, to make it easy for people to do the right thing and remove any possible excuse for anti-social behaviour.

Given this continuing pressure together with the Council's legal duty and the undoubted benefits to the wider community of maintaining a clean environment to live and work in means that we look to all the community to help in delivering the strategy and using litter bins and taking our litter home to achieve this. Pride in our area must make littering an anti-social behaviour and organisations including youth and schools must help us in educating the importance of this message by *turning passive support into positive action*.

Importantly the emphasis must change from it is the council's responsibility to clean up the mess to preventing the litter and fly tipping in the first place. In addition to the actions contained in this strategy we also expect that each of our Duty Body partners take full responsibility for their spaces; and our other partners including the City of London for Epping Forest along with Town and Parish Councils will make the necessary arrangements in their areas to prevent littering, fly-tipping, and dog fouling.

## 2. Vision and aims

The strategy aims to:

- **change the behaviour** of people who feel it is acceptable to drop litter through education and social media campaigns
- **make it easy to dispose of litter**, provide the appropriate facilities in the right places, and collect litter in a timely fashion
- **improve enforcement** by exercising council powers to deal with anyone who drops litter

### Changing Behaviour

We want to create a culture where it is totally unacceptable to drop litter. This means generating strong and consistent social pressure against littering, making it socially unacceptable to drop litter.

The Council will provide leadership, support and educational advice to those partners and the public to better enable them to understand and achieve the goals of the litter strategy which is to prevent litter and debris and report those that do litter and fly tip.

This will be achieved by:

- Spreading the message that litter is harmful to people, wildlife, and the environment through schools' work, social media campaigns, and using the recommended communications techniques from Keep Britain Tidy and WRAP.
- Promote Reuse and promote ways of disposing different types of litter correctly, for example at recycling centres or bring banks.
- Promote the bulky waste service and commercial trade waste service and its benefits to reducing fly tipping and littering locally.
- Support groups and schools to promote anti-litter and recycling messages
- Support national campaigns such as 'Keep Britain tidy' and clean up days through volunteering, supporting group with equipment and collection of waste and use of social media.
- Continue to support and encourage litter pick schemes with the public and internal and external partners by providing equipment, advice and guidance and the collection of litter.
- Optimise the use of the EFDC Community Champions programme who are local community volunteers that support and spread our EFDC wellbeing messages and initiatives along with organising community litter picks.
- All Council services will be made aware of the importance of litter prevention in managing costs
- Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group. Through the Love Essex brand, we aim to inspire Essex residents to reduce the amount of waste they throw away, recycle more, and reduce environmental crimes such as littering and fly-tipping.

### **Making it easier to dispose of litter**

We will continue to provide an effective service and help support other partners and the public to ensure that we try to continue to reduce the amount of litter and debris in the district.

This will be achieved by:

- Optimise the use of recycling on the go (RotG) using WRAP guidelines and EFDC policy for the placement of litter bins along with the Litter Bin Installation Strategy to ensure we review and maintain bin infrastructure, to provide a suitable number of litter bins with support from parish and town councils.
- Maintain a good quality street cleansing service in line with national standards as set out in legislation.
- Ensure free flowing channels to maximise the capture capacity of our road gully's.
- Regularly review our weed removal programme with Essex County Council
- Ensure our drainage maintenance is optimised to ensure that detritus is not carried on to carriageways and pavements, in contract specification.
- Ensure that Waste Management carries out at least 25% of street cleansing inspections on the day of the scheduled cleanse or after.
- Continue and extend the pilot of recycling wheeled bins for environmental champions to replace recycling sacks and reduce litter from bags split by vermin.



- Ensure that contractors working on behalf of the Council are working to improve the local environment
- Continue to work with businesses to prevent and resolve litter related problems

### **Enforcement**

Enforcement is an important part of keeping Epping Forest District clean and tidy, to do this we need to reduce the number of people who litter knowingly through education and enforcement.

We will use all our legal powers to fine or prosecute those who choose to fly-tip, litter or allow dogs to foul in public places.

We will be consistent in our approach and use all available enforcement options to ensure residents can live in a safe, clean and well-maintained environment.

We will work with stakeholders to tackle fly-tipping and litter hotspots.

## **3. Reporting Progress**

Performance of the strategy will be monitored by the Council through reports to the Waste Partnership Board.

We will work with our neighbouring Councils to identify where efficiencies can be created in cross-working and to review any policy changes that may affect each other i.e., may lead to an increase in fly-tipping at Council boundary.

We will work with Keep Britain Tidy to ensure this strategy and associated actions are in keeping with the aspirations of the Governments Litter Strategy.

The Delivery of the Litter Strategy will contribute positively towards the Council's environmental polices including its intention to reduce carbon in response to the climate emergency. In addition to statutory performance indicators, success will be measured in the Council's reduced carbon footprint i.e., less waste to landfill. Additionally, the Strategy will provide a platform to engage with partners to enhance the local environment, by securing behaviour change which will positively contribute towards the continuing aspirations of the Council as an area to visit, work and play.

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## **Appendices**

## Appendix 1: Useful Contacts & Information Sources

ORGANISATION	CONTACT DETAILS
Epping Forest District Council	<a href="http://www.Epping Forest District Council.gov.uk/contact-us/">www.Epping Forest District Council.gov.uk/contact-us/</a>  01992 564000
Essex County Council Highway Authority	<a href="http://www.essex.gov.uk/">www.essex.gov.uk/</a>  <a href="http://www.essex.gov.uk/roads-streets-and-transport">www.essex.gov.uk/roads-streets-and-transport</a>  0345 603 7631
Love Essex  Love Essex is an umbrella brand that acts on behalf of the Essex Waste Partnership and the Cleaner Essex group.	<a href="http://www.loveessex.org/">www.loveessex.org/</a>
Crime Stoppers (Reporting waste crime)	<a href="https://crimestoppers-uk.org/give-information/give-information-online/">https://crimestoppers-uk.org/give-information/give-information-online/</a>  0800 555 111
Environment Agency (responsible for investigating illegal dumping and Environmental Incidents)	<a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>  03708 506 506
Essex Police (powers to fine/prosecute litterers/dog fouling and fly-tippers)	<a href="http://www.essex.police.uk/contact/af/contact-us/">www.essex.police.uk/contact/af/contact-us/</a>  101
WRAP (Waste & Resources Action Programme)  WRAP was established to promote and encourage sustainable resource use through product design, waste minimisation, re-use, recycling and reprocessing of waste materials.	<a href="https://wrap.org.uk/">https://wrap.org.uk/</a>
Keep Britain Tidy (information on campaigning)	<a href="http://www.keepbritaintidy.org/home">www.keepbritaintidy.org/home</a>
TFL (Transport for London)  Integrated transport authority responsible for meeting strategy and commitments on transport in London	<a href="https://tfl.gov.uk/">https://tfl.gov.uk/</a>  0343 222 1234

City of London Responsible for the management of Epping Forest.	<a href="http://www.cityoflondon.gov.uk/footer/contact-the-city-corporation">www.cityoflondon.gov.uk/footer/contact-the-city-corporation</a> <a href="mailto:epping.forest@cityoflondon.gov.uk">epping.forest@cityoflondon.gov.uk</a> 020 8532 1010
National Highways Manage and improve England's motorways and major A roads	<a href="http://www.nationalhighways.co.uk/">www.nationalhighways.co.uk/</a> Customer Enquiries 0300 123 5000

<b>KEY INFORMATION SOURCES</b>	<b>WEB LINK</b>
The Code of Practice on Litter and Refuse 2019	<a href="http://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse">www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse</a>
The National Litter Strategy	<a href="http://www.gov.uk/government/publications/litter-strategy-for-england">www.gov.uk/government/publications/litter-strategy-for-england</a>
The Environmental Protection Act 1990	<a href="http://www.legislation.gov.uk/ukpga/1990/43/contents">www.legislation.gov.uk/ukpga/1990/43/contents</a>
Town and Country planning Act 1990	<a href="http://www.legislation.gov.uk/ukpga/1990/8/contents">www.legislation.gov.uk/ukpga/1990/8/contents</a>
Anti-social behaviour Crime & Policing Act 2014	<a href="http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted">www.legislation.gov.uk/ukpga/2014/12/contents/enacted</a>
Prevention of Damage by Pests Act 1949	<a href="http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/content">www.legislation.gov.uk/ukpga/Geo6/12-13-14/55/content</a>

## **Appendix 2: Council's Legal Duty – Clearance of Litter and Refuse**

### **The Council's Legal Duty**

Epping Forest District Council has duties under the Environmental Protection Act 1990 (EPA 1990). There are two duties within section 89 of the Environmental Protection Act 1990 that mean certain organisations (mostly public bodies) are to, as far as is practicable:

1. Keep land clear of litter and refuse
2. Keep roads clean

**Duty 1** Section 89(1) of the Environmental Protection Act 1990 places a duty on certain bodies to ensure that their land (or land for which they are responsible) is, so far as is practicable, kept clear of litter and refuse

Litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are improperly discarded and left by members of the public; or are spilt during business operations as well as waste management operations

Refuse should be regarded as having its ordinary meaning of waste or rubbish, including household and commercial waste, and can include fly-tipped waste. Dog faeces are to be treated as if they were refuse, when on certain descriptions of public land (Dog fouling is a separate offence from littering.)

**Duty 2** Section 89(2) places a further duty on the Secretary of State in respect of motorways (National Highways) and a few other similar public highways, and on local authorities in respect of all other publicly maintainable highways in their area, to ensure that the highway or road is, so far as is practicable, kept clean

### **The Legal Duty and where it applies**

The Environmental Protection Act 1990 places a duty on the Council to ensure that streets/roads and open spaces are, **so far as is practicable**, kept clear of litter and refuse.

#### **What this means**

The duty means that the Council and responsible landowners must remove litter and/or refuse within certain time limits.

#### **Where it applies**

The duty applies to roads/streets and pavements and other open spaces areas accessible by the public.

### **The Legal Duty for Clean Roads**

The Environmental Protection Act 1990 requires the Council to keep roads, as far as is practicable, clean.

This duty means that the Council and National Highways should keep litter and refuse by removing it within certain time limits as set out by the Code of Practice 2019.

This duty applies to all roads (the metalled surface which means the tarmac top) under the Council's control (this excludes motorways which are the responsibility of the National Highways).

## Appendix 3: The Code of Practice

### Zoning

The updated Code of Practice on Litter and Refuse 2019 (COPLAR); introduces a new zoning system to help Councils categorise their area which in turn allows it to define how quickly each zone should be returned (when littered) to a litter free standard.

The details of the requirements for Epping Forest District are specified below.

Each zone is examined in terms of its capacity to generate litter by determining:

- The intensity of activity in the area, from people and vehicles
- Health and safety limitations

As such, this revised Code has re-classified the different types of land managed by duty bodies into four main zones, based on these two variables. It is anticipated that this will help to guide duty bodies on the intensity of management required.

The classifications of zones are

- High intensity of use (busy public areas)
- Medium intensity of use ('everyday' areas, including most housing areas occupied by people most of the time)
- Low intensity of use (lightly trafficked areas that do not impact upon most people's lives most of the time)
- Areas with special circumstances (situations where issues of health and safety and reasonableness and practicability are dominant considerations when undertaking environmental maintenance work)

In addition to the classified Zones above Epping Forest District Council in line with their current Waste and Street Cleansing Contract also has a further classification for High Zones, classified as Z. These will be areas within the High intensity classification which are allocated street cleansing on a daily schedule but receive additional street cleansing up to three times a day based on the intensity of use.

The graded standards shown below are as defined in the original Code of Practice on Litter and Refuse issued under section 89(7) of the Environmental Protection Act 1990.

#### **For litter and refuse:**

Grade A: No litter or refuse

Grade B: Predominately free of litter and refuse apart from some small items

Grade C: Widespread distribution of litter and/or refuse with minor accumulations

Grade D: Heavily affected by litter and/or refuse with significant accumulations

**For detritus** (to be removed on metalled highways and recommended to be removed on all hard surfaces):

Grade A: No detritus

Grade B: Predominately free of detritus except for some light scattering

Grade C: Widespread distribution of detritus with minor accumulations

Grade D: Heavily affected by detritus with significant accumulations

## **Timings**

The Code of practice expects Duty bodies to set their cleansing schedules so that they meet the duty to keep their relevant land clear of litter and refuse, and highways clean.

In some areas, these standards can be effectively maintained during daylight hours. However, in others longer hours of management are required, for example, in town and city centres.

If the standard in high intensity areas should fall to an unacceptable level during the evening, it should be restored to grade A by 8am. Good practice would be that grade A is achieved earlier, by the time the area begins to get busy. This applies to weekends and bank holidays as well as weekdays.

Epping Forest District Council operates at two levels with COPLAR 2019 and its own specification of fortnightly street cleansing schedules and Z High Zones.

## **The Code of Practice and clean roads**

The Code of Practice suggests that:

- A regular sweeping and maintenance schedule should be prepared to allow the duty to be met.
- It would be good practice to cut back vegetation that grows on to the road/pavement surface.
- Weed control is implemented and effective.

## **Standards**

The Code of Practice defines standards (A-D: A being clean) that the Council must meet. Restoration to a clean condition must take place within a set period of time unless there are difficult circumstances such as snow and ice.

The Council intends to meet its statutory obligations, and the standards detailed above, by implementing, monitoring and reviewing the actions in this strategy.

The Council in turn expects each of its partners (including the wider community) and duty bodies particularly in relation to Roads, Essex Highways and National Highways through its contractor, to do likewise.

## **Keeping Motorways Clean**

National Highways is responsible for maintaining a litter free and clean motorway network.

Both the M11 and M25 run through the Epping District with junctions at Waltham Abbey, Loughton and North Weald.

## **Monitoring our Work**

Monitoring of work and standards will be undertaken by the contractor's operational staff who carry out the cleansing work on the day. EFDC Waste Management Officers will also inspect streets that are on the schedule and due to be cleansed either on the day or the day after through random inspections. Random inspections should cover a total of 25% of the scheduled work due to be done in an officer's area in any one day.

Alongside the random inspections of scheduled work EFDC also conducts its own key Performance Indicator (KPI) for Litter and Detritus. Whilst based on NI195, inspections are conducted quarterly with 320 inspections with a total of 1280 inspections annually and the targets for each are as follows

- Litter 5%
- Detritus 7%

We will undertake the training necessary to make this “self-assessment” process robust and auditable.

We will also use the following devices to monitor our work:

- Customer surveys
- Complaints
- Independent Quality Inspections

## Appendix 4

### Litter Enforcement Table

Legislation	ENVIRONMENTAL PROTECTION ACT 1990				ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014			TOWN AND COUNTRY PLANNING ACT 1990	PREVENTION OF DAMAGE BY PESTS ACT 1949	PUBLIC HEALTH ACT 1936
Section	33	87	59	80	43	59	59	215	4	78
Offending Activity	Fly-tipping	Littering	Fly-tipping	Statutory Nuisance	Litter	Litter	Dog Fouling	Litter	Litter	Litter & Dog Fouling
Enforcement Action	Fixed Penalty or Prosecution	Fixed Penalty	Fixed Penalty or Prosecution	Abatement notice	Community Protection Notices	Public space Protection Orders (PSPO)	Fixed Penalty Notice	Fine or Prosecution	Fine or Prosecution	Fine or Prosecution
Penalty	£400	£150	£400	£400*	£75	£75	£75	£1,000	£1,000	£200
Action Against	Individuals (and legal entities such as Companies)	Individuals	Occupier of Land	Person responsible ( whose act, default or sufferance the nuisance is attributable)	Occupier of premises	Occupier of land	Individuals	Individuals (and legal entities such as Companies)	Occupier of land	Occupier of land
Objective	Penalty for fly-tipping	Penalty for dropping litter	Penalty for fly-tipping	The abatement of the nuisance or prohibiting or restricting its occurrence or reoccurrence	Conduct of individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality or deemed unreasonable	Prevent litter or refuse being detrimental to the amenity of the area	Penalty for not picking up dog faeces after dog	Land Adversely Affecting Amenity of Neighbourhood	clearing of common courts and passages	Scavenging of common courts and passages
				* Fixed Penalty option – industrial, trade or business and £150 in all other cases.			Local Authority can introduce public spaces protection orders	LPA's also have powers under s219 to undertake the clean up works themselves and to recover the costs from the landowner.		





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## **Report to the Cabinet**

**Report reference: C-018-2022/23**

**Date of meeting: 10 October 2022**



**Epping Forest  
District Council**

**Portfolio: Contracts and Commissioning – Cllr. N Avey**

**Subject: Waste and Recycling Collection / Street Cleansing Contract**

**Responsible Officer: James Warwick (01992 564350).**

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

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

- (1) To agree to go to market and run a full procurement process for the Waste / Street Cleansing Contract which expires in November 2024.**
- (2) To allocate £120,000 for specialist Environmental Consultants to lead on the procurement and legal costs.**

### **Executive Summary:**

The Council is currently in contract with Biffa Municipal Ltd. for the delivery of waste, street cleansing and processing of dry recycling services at an annual cost of £6.6m, with income received from the sale of the dry recycling currently in the region of £450,000, however this varies year on year with fluctuations in the market. The Contract is due to expire in November 2024 after an initial period of ten (10) years and has the option to extend by (up to) a further ten (10) years, by mutual agreement.

Ricardo Energy & Environment (Ricardo) were commissioned by the Council to conduct a high-level review of their current waste contract in August 2020, based on this review it was recommended that members agree in principle to extend the waste contract with Biffa. Since this recommendation Biffa's performance and service delivery has deteriorated leading to ongoing missed collections and service delivery issues. This has led to district wide disruption to the collection of residents waste and recycling.

Contract extension discussions with Biffa have been protracted and Biffa are still yet to present finalised extension options with full detailed costings. Biffa have indicated that any extension is likely to cost Epping Forest District Council significantly more than the current contract price and reluctant to specify a specific figure that they can guarantee will be accurate in November 2024. The agreement to extend the Contract in principle does not legally bind the Council and this report considering Biffa's current performance and costs of extending the contract recommends that approval is given to enable a full procurement exercise to take place to demonstrate value for money.

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

This decision is based upon Biffa's assessment of the additional costs they require to extend the contract which have increased considerably since discussion of the waste contract extension began. There have been issues with Biffa's current performance which has led to ongoing missed collections for over six months. This has caused widespread disruption and complaints throughout the district. A procurement exercise is the only way to demonstrate value for money.

## Other Options for Action:

Extend the contract with Biffa and pay the additional costs they are requesting. However, this will not demonstrate value for money and Epping Forest will have little control over the contract.

Bring the service in-house, although without a depot this would not be feasible. Epping Forest District Council would also have to fully fund, or contract hire an entire new fleet of vehicles and pay for ongoing maintenance costs. Epping Forest District Council would also be liable for TUPE costs, recruitment, health and safety, legal, annual leave, and sickness absence. Costs to bring in house would be considerably more than the current contract price.

## Report:

1. The Council is currently in contract with Biffa Municipal Ltd. for the delivery of waste services, comprising:
  - a. Kerbside collection of household waste and recyclables;
  - b. Street cleansing services; and
  - c. Processing of household dry recycling through a Material Recovery Facility (MRF).
2. The contract is due to expire in November 2024 after an initial period of ten (10) years and has the option to extend by (up to) a further ten (10) years, by mutual agreement. Any extension to the Contract needs to be agreed and formalised at least 18 months in advance of the expiry of the initial period, which is by May 2023. The alternative would be to carry out a full procurement exercise, expected to take approximately 18 months (including a six-month mobilisation period).
3. In August 2020, Ricardo Energy & Environment (Ricardo) were commissioned by the Council to conduct a high-level review of their current waste contract. The review comprised an assessment of the Council's current service, with Ricardo modelling a 'ghost' bid to benchmark the service against market conditions, determining what resources should be deployed on the contract compared to the actual resources used. An overall assessment of the waste market and emerging policy and legislation was also undertaken, along with high-level commentary on procurement implications and the risk posed by the Council's lack of operational depot. At the time it was reported that the Council's current service contract was working very well with the core service costing £42,000 less per annum than Ricardo's initial modelling.
4. Ricardo's high-level review led to a recommendation that members agree in principle to a waste contract extension with Biffa, which was approved by Cabinet. Since then, Biffa's performance and service delivery has fallen well below what is specified in the Contract. Ongoing missed collections due to staff shortages and ageing vehicles has caused widespread disruptions and complaints throughout the district. Contract extension negotiations have also been protracted and we are still awaiting written proposals with full costings from Biffa. Verbally Biffa have indicated that they would expect an annual uplift to the waste contract more than what we feel is reasonable and justified.
5. Such a significant increase would benefit from testing the market through a procurement process to truly assess Best Value for the services. A PIN (Prior Information Notice) was issued on 24<sup>th</sup> August as a soft market testing exercise to enable dialogue with waste contractors to see if they would be interested in bidding should the waste contract come to market. Five waste contractors expressed their interest in the contract.
6. Market engagement meetings with waste contractors took place in September. The market engagement meetings did highlight that not having an Epping Forest District Council Depot is still a potential issue. Waste contractors have indicated there is interest in bidding should the contract go to market for procurement and the lack of depot does mean that it is not a level playing field for bidders and could lead to a higher price from contractors. Work is underway to identify a suitable location for a depot.

7. The estimated timeframe to deliver an EFDC depot would be a six-month procurement, design, and planning permission process, followed by six months construction. The example design is relatively simple, and the 12-month timeframe includes contingency should the planning process not be straightforward. If the Council wishes to be able to provide a depot to the market for a new contract, then this process would likely need to begin as soon as possible.
8. Work has begun on a feasibility study for a waste depot, it is recommended that this work is considered a priority and the findings presented to Cabinet as soon as the feasibility study is concluded.
9. Epping Forest District Council would require the services of environment consultants to lead on the procurement, this would require specialist expertise. In addition, there would be the requirement of specialist legal advice and support to produce the contract documentation. Estimated costs at this stage are £120,000. Officers will do everything they can to ensure value for money and try to minimise costs wherever possible.

### **Resource Implications:**

£120,000 for procurement and legal costs

This would include:

- Selection Questionnaire
- Drafting Tender Documentation including Contract Service Specification
- Invitation to Submit Tenders
- Invitation to Submit Final Tenders
- Evaluation
- Contract Award
- Legal costs for the contract documentation

Annual Contract Costs are likely to be higher than current contract costs, these costs will not be known until the procurement exercise is completed.

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

EFDC Procurement Rules will be followed and adhered to.

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

Potential Collection route efficiencies to reduce overall fuel consumption will be considered. This will reduce emissions prior to choosing future low emissions vehicles e.g. Hydrogen/EV.

The current Biffa depot in Waltham Cross gives long distances to the north and the east of the district so siting of any new depot or co-located depot would need to be considered carefully to reduce mileage and emissions. Obviously, consideration will also be needed to assess the impact on air quality of any new depot for the Epping Forest Special Area of Conservation if a large vehicle hub is added to the District.

The next stage of work will include focusing on sustainability aims of the Council. This will include aspirations in the emerging Local Plan in respect of volumes of waste and focusing on the established Waste Hierarchy of: prevention, minimisation, reuse, recycling, energy recovery and finally the last resort of disposal.

### **Consultation Undertaken:**

Ricardo have conducted consultation with Epping Forest District Council and Biffa. PIN (Prior Information Notice) and Market Engagement Meetings with Waste Contractors – Sept 22

## **Background Papers:**

Original Cabinet decision of award of contract to Biffa in 2014 and supporting reports leading up to that decision.

Task and Finish Panel reports which was set up to review the Government's 'Our waste our resources, a strategy for England'.

Strategic options for waste management contract Cabinet Report December 2020

Waste and recycling/street cleansing contract Cabinet Report 25<sup>th</sup> January 2022

## **Risk Management:**

Lack of EFDC owned depot is likely to increase the costs of the waste contract, as is the high energy costs and uncertainty in the economy and waste market at present. A procurement exercise is the best way to demonstrate value for money and test the market for alternative options to the current contract.

## **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

<b>Section 1: Identifying details</b>
Your function, service area and team:    Contracts (Waste Management)
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: N/A
Title of policy or decision:
Officer completing the EqIA: James Warwick    Tel: 01992 564350    Email: jwarwick@eppingforestdc.gov.uk
Date of completing the assessment: 01/09/22

<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project?  New decision on the current waste Management Contract.
2.2	Describe the main aims, objectives and purpose of the policy (or decision):  To agree to go to market and run full procurement exercise for a waste contractor.
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> Residents will receive the same services as they currently do from the Waste Contract.

	<p>Will the policy or decision influence how organisations operate?  Yes, the procurement will allow for service innovation and joint working to identify and implement efficiencies, savings and an improvement in services.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?  An increase in the contract costs paid to waste contractor are likely.</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?  Climate Change Action Plan and Policy</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? The current contract serves all residents of the District and all residents can access EFDC's waste collection service
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? N/A
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: N/A

## 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	Neutral This service is for all residents regardless of age.	L
Disability	Neutral The service is for all residents and assisted collections can be arranged	L
Gender	Neutral The service is available to all residents.	L
Gender reassignment	Neutral The service is available to all residents.	L
Marriage/civil partnership	Neutral The service is available to all residents.	L
Pregnancy/maternity	Neutral The service is available to all residents.	L
Race	Neutral The service is available to all residents.	L
Religion/belief	Neutral The service is available to all residents.	L
Sexual orientation	Neutral The service is available to all residents.	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	
		L	If 'YES', 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: 	Date: 01/09/22
Signature of person completing the EqIA: 	Date: 01/09/22

**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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## SCRUTINY



## **Report to Cabinet**

**Report Reference: C-016-2022/23**

**Date of meeting 10 October 2022**

**Portfolio: Leader of Council – Councillor C Whitbread**

**Subject: Corporate Plan 2023 - 2027**

**Officer contact for further information: Nikki Gambrill, 01992 564000 x2150**

**Democratic Services Officer: Vivienne Messenger 01992 564243**

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### **Recommendations:**

- (1) That the new Corporate Plan for the period 2023 – 2027 be agreed:**
- (2) That the Corporate Plan 2023-2027 be recommended to Council for adoption.**

### **Report:**

The Corporate Plan 2018 to 2023 is the authority's current key strategic planning document. The lifetime of the current Corporate Plan comes to an end 31<sup>st</sup> March 2023, a new Corporate Plan has been developed to take the authority forward over the period from 2023 to 2027.

The Council's main areas of focus for the four-year lifetime of the new Plan have been captured in a new set of corporate aims. In addition, a new set of key results have been developed to support the aims and key objectives. These Corporate aims will be reviewed annually through Objectives and Key Result measures to deliver and work towards the achievement of each objective that year.

### **Corporate Plan 2023 to 2027**

1. The Corporate Plan is the Council's highest level strategic document. It sets the strategic direction for the authority for the lifetime of the plan, and as such informs all other plans produced by the Council. The Corporate Plan does not cover everything that the authority does, focusing instead on a number of key areas that it needs to focus on over the lifetime of the Plan. These include issues arising from the financial context within which the Council operates, things that matter most to our residents, and local challenges arising from the social, economic and environmental background of the district. Therefore, as a strategic document, the Corporate Plan does not contain specific information on the wide range of services that the authority provides, or how it delivers statutory duties or enforces legislation.
2. The Corporate Plan is an important element in the Council's performance management framework and corporate business planning processes. It provides a framework for the development of detailed annual directorate business plans and other detailed service plans which in turn provide details of service provision and how the work by services directly contributes to the achievement of the Council's aims and objectives. The Corporate Plan also provides the policy foundation for the authority's Medium-Term Financial Strategy and helps in the prioritization of resources to provide quality services and value for money.
3. As the lifetime of the current Corporate Plan comes to an end on 31 March 2023 a new Corporate Plan has been developed to take the authority forward over the period from 2023 to 2027. The draft new Corporate Plan is attached at Appendix 1 to this report.

4. The new Plan includes many of the sections found in the organisation's previous Council Plans including an overview of the district, a vision for the district, together with the corporate aims, objectives and key results pertinent to the life of the Plan.

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

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

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

**Options considered and rejected:** Not applicable

**Resource implications:** The design and production costs of the new Corporate Plan have been met from within the existing budget of the Performance Management Office for 2022/23. Publication of the new Corporate Plan will be primarily electronically via the Council's website. Resource requirements for actions to achieve specific key objectives will be identified by the responsible service director and reflected in the budget for the year.

**Legal and Governance Implications:** There are no legal or governance implications arising from the recommendations of this report. Relevant implications arising from actions to achieve specific key objectives will be identified by the responsible service director.

**Safer, Cleaner, Greener Implications:** There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district. Relevant implications arising from actions to achieve specific key objectives will be identified by the responsible service director.

**Consultation Undertaken:** The new Corporate Plan is a strategic planning document for the Council. It is not considered that formal consultation with customers or external organisations is required. Senior Leadership Team, Cabinet Members and Internal EFDC staff have been involved in the content of the draft document through collaboration at purposeful workshops.

The Plan will be considered by the Cabinet and the Overview and Scrutiny committee during its development and these forums are open to the public to comment.

**Background Papers:** None

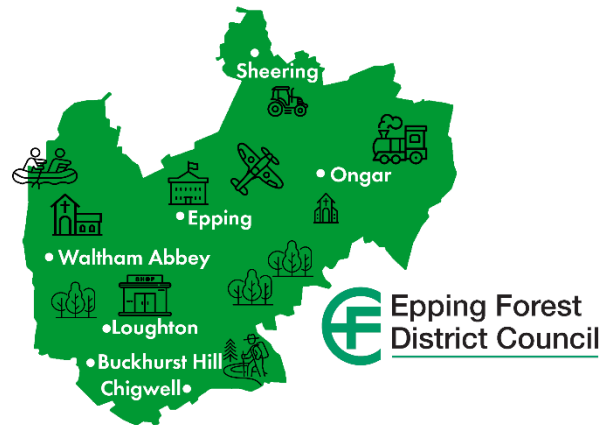
**Risk Management:** The respective service director will have identified any risk management issues arising from proposals for the Council's Objectives and Key Results for 2023/24 as set out in this report.

**Equality:** Relevant equality implications arising from actions to achieve specific objects or benefits will be identified by the responsible service director and/or SLT.



# Your Epping Forest

## Our Plan 2023 – 2027



Add logos as appropriate

## Contents

1. Introduction – Our commitment to you .....	2
2. Our Values and Behaviours .....	3
Why are we here?.....	3
What we do.....	3
How will we do it? .....	3
3. Our Key Objectives .....	5
Stronger Communities .....	6
Stronger Place .....	7
Stronger Council .....	8
4. Delivering our plan .....	9
Public Sector Partners .....	9
Voluntary Sector Partners.....	10
Commercial Partners .....	10
Harlow and Gilston Garden Town.....	10
Advocate for our Community .....	11
5. Objective Key Results - OKRs .....	12

[1. Introduction – Our commitment to you](#)

[2. Our Values and Behaviours](#)

[3. Our Key Objectives](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[4. Delivering on our plan](#)

[5. Objective Key Results - OKRs](#)

## **1. Introduction – Our commitment to you**

Councillor Chris Whitbread – Leader of Council

With its ancient forest, market towns and beautiful villages, Epping Forest is one of the most sought-after places in the UK. Close to London, linked by the Central Line and motorways, Epping Forest is the place to be for access to London and the southeast.

We have the forest and so much more. The royal history of Waltham Abbey stretches back over a thousand years. Chipping Ongar was the site of a medieval castle. Roman remains have been found in Chigwell. Loughton and Buckhurst Hill grew with the coming of the railways. Winston Churchill was our MP. Charles Dickens was inspired by our hospitality, and North Weald Airfield was our front-line in the Battle of Britain.

Steam trains run once again on the Epping and Ongar railway line. Families explore our industrial heritage at the Royal Gunpowder Mills. They walk, cycle, and relax beside the river Lee.

From the cafes and boutiques of Loughton and Buckhurst Hill to Epping Forest Shopping Park and the markets of Epping and North Weald, we are a thriving commercial and retail destination.

Epping Forest is the place to raise your family and grow your business.

The population of Epping Forest has increased by 8.3%, from around 124,700 in 2011 to 135,000 in 2021 (ONS Census). We are in demand, but the things that make our district special also bring challenges. The post-covid exodus from London has placed Epping Forest under pressure. As [Bloomberg News](#) reported, people are moving out of the city and Epping Forest is one of the most favoured destinations.

**Leader of Council Foreword to follow**

[1. Introduction – Our commitment to you](#)

[2. Our Values and Behaviours](#)

[3. Our Key Objectives](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[4. Delivering on our plan](#)

[5. Objective Key Results - OKRs](#)

## **2. Our Values and Behaviours**

Epping Forest District Council - A good neighbour to our residents, a good provider to our customers, a good employer to our people.

### **Why are we here?**

Epping Forest is our place of work. It is where we grow up and where we grow old. It is our family and our community – it is the people we serve, and it is our home.

- To lead and support our community.
- To help our residents build better lives through
  - equality of opportunity by recognising and treating everyone as individuals,
  - tailoring our services to people's individual needs,
  - helping everyone achieve their maximum potential.
- For people to create happy and healthy places to live, work and play.
- To speak on behalf of our district.

### **What we do**

We work for our district, the people and places that make Epping Forest special and unique.

- Bringing all our skills, expertise, and resources together for the benefit of our community.
- Delivering excellent services as effectively and efficiently as possible.
- Making Epping Forest a better place than it is now.

### **How will we do it?**

Working together with the people we serve.

- We will listen.
- Target our resources where they are needed most.
- Make a positive impact on people's lives by
  - making every penny count,
  - striving to improve services,
  - and delivering value for money.
- Working with our partners to focus on health, wellbeing, housing, life-expectancy and equality

**These commitments are enshrined in our values and behaviours:**

**Trust** - We will be open and honest with each other and our customers. We will treat everyone with respect and take responsibility for our actions.

**Performance** - We will take pride in our work and celebrate our achievements. We will learn from our mistakes and always do what we say we will do.

**One Team** - We will work together as One Council, supporting each other and our partners to achieve better results for everyone.

**Customer** - We will put our customers at the heart of everything we do, providing services that are tailored to the different needs of our communities.

**Innovation** - We will seek new ways of working to improve and change to meet new challenges.

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[1. Introduction – Our commitment to you](#)

[2. Our Values and Behaviours](#)

[3. Our Key Objectives](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[4. Delivering on our plan](#)

[5. Objective Key Results - OKRs](#)

### **3. Our Key Objectives**

Council, Community, Place

In an unpredictable environment, Epping Forest District Council must maintain agile services and flexible policies to respond swiftly to the changing needs of our community.

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

## **Stronger Communities**

**We will safeguard vulnerable people. Our teams will support residents in need, providing support and equality of opportunity in a district that is safe for everyone.**

- Consistent in our approach, we will strive to ensure all our residents can live in a safe and well-maintained environment.
- Break the cycle of domestic abuse by working in partnerships to reduce violence against women and girls.
- Use our place on the Epping Forest Community Safety Partnership with Essex Police, County Council, Fire and Rescue, and community groups, to deal with emerging local threats and issues.

**We will work with our partners to achieve wellbeing and health equity for all our residents.**

- Helping people to become healthier, we will focus on wider issues such as alcohol, smoking, obesity and social deprivation measured by the Robert Wood Johnson method\*.
- Focussing our partnerships, resources and capacity in key locations, we will address individual needs to reduce health inequalities across the district.
- We will take a leading role in partnership projects to address strategic priorities in the Epping Forest Health and Wellbeing Strategy 2022-2026:
  - Improve mental health and wellbeing
  - Reduce loneliness and social isolation
  - Increase physical activity
  - Support residents in relation to the rising cost of living
  - Tackle alcohol and substance misuses issues

**We will listen to our communities and work with them when making decisions, developing policies, and designing services.**

- We will coordinate our consultation and engagement to ensure residents' views shape the services we provide.
- Strengthen and empower individuals and communities to help themselves.
- Invite families living in council housing to help us develop a resident involvement strategy, with a range of options to support involvement in our decision making.

\*The Robert Wood Johnson Foundation works to build a culture of health in society.

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

## **Stronger Place**

**We will strive to reduce pollution and protect our environment, encouraging jobs, housing and infrastructure that complements, rather than competes with the natural world.**

- Investment and innovation to reduce energy consumption. Adopt cleaner forms of energy. Enable reduction of the council's carbon emissions to net-zero by 2030.
- Use regulatory and policy tools as well as our influence as a leader of place to encourage wider reductions in carbon emissions across the district.
- Reduce, reuse and recycle more of the waste generated within local homes and businesses.
- Work toward agreed strategic targets as set out in the Council's adopted sustainability guidance and as part of the Harlow and Gilston Garden Town partnership.

**We will improve existing spaces and create new places for people to live, play, gain skills and do business.**

- Providing places for new businesses to start and opportunities for existing businesses to grow.
- Maximising economic investment, potential and growth through partnerships and commercial opportunities.
- Providing affordable homes within sustainable developments, served by transport, leisure, health and other infrastructure to meet our residents' needs.
- Consultation and engagement with our residents in decisions affecting their place.

**We will protect and enhance our green spaces for future generations while providing decent, safe homes to meet all our needs.**

- Negotiate developer contributions towards green spaces and the environment as part of planning applications.
- Meet standards for good quality homes in sustainable locations enshrined within the Local Plan.
- Protect, maintain and enhance the ecology, landscape and heritage of our District.

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

## **Stronger Council**

**We will be a strong, well-managed, and efficient council in a post-pandemic world – adapting and responding to change in a district of opportunity.**

- Maximising organisational capacity and capability:
  - Achieving our organisational goals through a high-performing, motivated workforce
  - Attracting, developing, and retaining great people
- Effective Leadership values and culture:
  - Developing people skills and behaviours to make EFDC an employer of choice
  - Developing our leadership to develop and inspire our people
- Employee experience:
  - Embracing change to support EFDC's cultural and digital evolution
  - Nurturing a culture of engagement and wellbeing

**We will improve customer access to our services.**

- Generating higher customer satisfaction through better accuracy and faster response.
- Making high-quality digital services the default choice for most residents, businesses, and visitors.
- Maintaining traditional channels and support for those customers who need them.
- Understanding and delivering better outcomes through data use, capture, and sharing according to our customers' needs.
- Providing digital solutions within a secure online environment, keeping us and our customers safe.

**We will provide the highest standards of financial, competence management and governance.**

- Ensuring value for money in the use of resources and delivery of services.
- Maintaining low Council Tax, embracing commercial opportunities, and achieving long-term financial sustainability.
- Optimising decision making and risk management through strong governance and best practice.
- Being accountable through transparent finance, governance and decision making.



[1. Introduction – Our commitment to you](#)

[2. Our Values and Behaviours](#)

[3. Our Key Objectives](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[4. Delivering on our plan](#)

[5. Objective Key Results - OKRs](#)

## 4. Delivering our plan

We deliver a huge range of services. We also work in partnerships for joined up services. Our list of partners is constantly growing and evolving.

### Some of what we do

- Building Control
- Council Housing
- Private Sector Housing (landlords)
- Grants
- Waste and Recycling
- Planning applications, enforcement and the Local Plan
- Leisure, Arts, Culture, Health and Wellbeing
- Environmental Health
- Housing Benefits and Council Tax collection
- Community Safety
- Local Democracy and Elections
- Economic Development
- Commercial Property
- Carparks
- Grounds Maintenance (parks, verges, and public spaces)

### Public Sector Partners

Central government plays an important role in the regulation of what we do. It also provides significant funding for local projects and services. Other significant partners include:

- Essex County Council
- Police Fire and Crime Commissioner, in association with
  - Essex Police Service
  - Essex Fire and Rescue
- National Health Services, in association with
  - The West Essex Integrated Care Board
- Town and Parish Councils
- Department of Work and Pensions
- Environment Agency
- Lea Valley Regional Park

- The Corporation of London
- Homes England
- The Innovation Corridor – linking London and Cambridge
- The DIZ – Digital Innovation Zone
- NEPP (North Essex Parking Partnership)

We represent the interests of our community further afield too. We talk with neighbouring London boroughs, the Mayor of London, Transport for London and any other organisations outside our district.

### **Voluntary Sector Partners**

The voluntary sector makes a vital contribution to our community. Local organisations are coordinated and supported by Voluntary Action Epping Forest. The development of council-supported community hubs combine the expertise of the council with other government organisations such as the DWP, and voluntary organisations such as Epping Forest Food Bank and Citizens Advice.

### **Commercial Partners**

We work with commercial partners to deliver many of our services. Major contractors include:

- Qualis - a group of private companies created by and wholly-owned by the Council.
- Biffa – household waste and recycling.
- Places Leisure – leisure centres and swimming pools.

Qualis is one of our most significant innovations. As the sole 'share-holder', Qualis gives Epping Forest District Council a competitive edge and access to private sector know-how.

Qualis is delivering major developments in Epping and Waltham Abbey. It is maintaining the Council's housing for more than 6,000 tenants and their families. Qualis is making commercial property investments to provide further long-term income returns to the Council. Money earned supports public services.

We also support services and keep Council Tax low through commercial partnerships at North Weald Airfield, Epping Forest Retail Park, industrial estates and retail units. We have innovated beyond traditional income. The arrival of Regus (office lettings) on the top floor of the Civic Offices has created another income stream.

We will continue to develop income from assets such as North Weald Airfield (Masterplan), to support front-line services and keep Council Tax low.

### **Harlow and Gilston Garden Town**

Partnerships cross boundaries. Epping Forest District Council is working hard with other councils to meet the demand for new housing. 16,000 sustainable new homes are planned across Harlow and Gilston Garden Town by 2033, of which 3,900 of are proposed in the Epping Forest council area.

HGGT comprises:

- Epping Forest District Council
- Harlow District Council
- East Herts District Council
- Essex County Council
- Hertfordshire County Council

People need more than houses. HGGT is building sustainable communities. Transport, employment, schools and health services are all factored in. Infrastructure will include everything from water and electricity to broadband for environmentally friendly communities.

### **Advocate for our Community**

Apart from Epping Forest District Council, many organisations provide local public services. For example

- Essex County Council
  - Highways
  - Social Services
  - School
- Utility Companies
  - Gas
  - Electricity
  - Water
  - Broadband
- Open Spaces
  - The Corporation of London – Epping Forest
  - Lee Valley Regional Park
- Public Transport
  - Transport for London buses and trains

We work to engage, influence, and encourage other organisations on behalf of our residents.

## 5. Objective Key Results - OKRs

[1. Introduction – Our commitment to you](#)

[2. Our Values and Behaviours](#)

[3. Our Key Objectives](#)

[Stronger Communities](#)

[Stronger Place](#)

[Stronger Council](#)

[4. Delivering on our plan](#)

[5. Objective Key Results - OKRs](#)

An agile organisation must be flexible to changing circumstances. It must also have targets and results to measure its performance.

Objective Key Results (OKRs) are part of our monitoring and review. They provide objective benchmarks alongside the Scrutiny and Select Committees which oversee, challenge, and hold to account the performance of the Cabinet and the Council.

OKRs need to reflect an agile working environment and changing circumstances. As such, OKRs may evolve, or be replaced as changing circumstances dictate. OKRs will be monitored and reported through quarterly statistics and annual performance review reports to members and the council website ([link to OKR webpage to be inserted here](#)).

New and revised OKRs are introduced from April 2023.

## **Report to the Cabinet**

**Report reference: C-011-2022/23**

**Date of meeting: 10 October 2022**



**Epping Forest  
District Council**

**Portfolio: Technical Services; Councillor K Williamson**

**Subject: Market Policy**

**Responsible Officer: Mandy Thompson (01992 564076)**  
**Democratic Services: Adrian Hendry (01992 564246).**

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

1. To adopt the proposed Market Policy at Appendix 1;
2. To agree the proposed Fees Policy and charging schedule to be included in the Councils Fees and Charges Schedule, reviewed annually; and
3. To ratify section Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to markets, that is known to have been adopted historically but does not appear in any current records.

### **Executive Summary:**

There is currently no regulatory framework in place for the establishment and operation of markets across the district, which are recognised as an important contributor to the local economy. The Food act 1984 empowers a local authority to carry out this function and Cabinet is asked to consider the proposal for the introduction of an Epping Forest District market policy that will allow the Council to influence the nature and type of markets in a particular locality for the benefit of the community. This will be regulated through a licensing regime and the costs recovered through a fee charging framework. The draft policy has been subject to a full public consultation and amendments have been made where appropriate in response to representations made.

Finally, Cabinet is asked to ratify Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, that is also relevant to the Market Policy. Whilst the Council's constitution references the said legislation in its delegations, no minuted records exist to evidence the adoption of the legislation in the first instance. Cabinet is therefore being asked to ratify and minute the adoption of the legislation again for completeness.

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

The Council wants to encourage a market trading environment that compliments the surrounding area and retail offer, that is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers.

A Market Policy is proposed that will allow the Council to influence the nature and type of markets in a particular locality for the benefit of the community. It will also include an appropriate regulatory framework, through a licensing regime that will set licence fee conditions to protect public safety, nuisance, highways issues and other regulatory concerns

Applications for a Market Licence administered and enforced by the Licensing Team within the Regulatory Service will be subject to a fees schedule that will be reviewed annually.

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

The Council has a policy for controlling street trading of single market operators in the district by virtue of street trading consents. However, it is not appropriate to apply this mechanism to market events which consist of multiple stalls each selling different products by different individual traders.

Powers vested in the Council under Part 3 of the Food Act 1984, allows it to hold markets within its area and affords the right to licence and control the frequency of such markets. It is also good practice for councils to publish a Market Policy and have a licensing regime that allows it to influence the nature and type of market for the benefit of the community.

To not adopt a new policy to address market trading events prevents the Council from having the necessary framework to influence and control the market offer to local communities and fails to provide a robust and fair regulatory regime.

#### Report:

1. The Council recognises the important contribution that markets can make to the local economy and the character of an area. Markets can deliver economic growth and regeneration; they offer an opportunity for small businesses to get started for a relatively modest financial outlay, help increase town centre vitality and contribute in a number of ways to the local communities they serve.
2. The promotion of markets is an important inclusion in the town centre regeneration projects for Epping, Loughton, Ongar, Waltham Abbey, and Buckhurst Hill, and for the district as a whole. It is also particularly relevant, following the coronavirus pandemic which has redirected community focus towards the outside shopping and hospitality experience.
3. The Council currently controls street trading in the district through Street Trading Consents, by powers vested in it, under Schedule 4 of Part 3 of The Local Government (Miscellaneous Provisions) Act 1982. However, these Consents are most appropriately applied to a single trader operating from one stall or vehicle and not to market events which consist of multiple stalls each selling different products by different individual traders. To support the vision of the Council to encourage markets as part of the district's economic diversification, it is necessary to look to alternative legislation.
4. The Council has powers under Part 3 of the Food Act 1984, to hold markets within its area and has the right to licence and control the frequency of such markets. It is good practice for Councils to publish a Market Policy and have a licensing regime that allows it to influence the nature and type of market for the benefit of the community; to distinguish between commercial and community-based markets or those with a strong charitable element; to ensure conditions are in place to meet legislative controls including to protect public safety; and that these can be consistently and fairly applied to all traders wishing to operate in the district.
5. The Market Policy will include commercial and community-based markets or those with a strong charitable status. However, Council run markets fall outside the scope of the Market Policy. This includes North Weald Market operating under a lease agreement with the Council, and any other Council operated occasional market events, such as plant and craft fairs, Christmas and summer markets, festivals, and other themed markets across the district. Markets that operate by virtue of an historic Royal Charter are also out of scope, these being the weekly markets run by the Town Councils at Epping, Ongar, and Waltham Abbey. Such markets are also entitled to the right of protection within a common law distance of six and two third miles - measured 'as the crow flies'. This common law entitlement is part of a local authority's market rights and has been upheld by a Court of Appeal.
6. The draft Market Policy has been subject to a full public consultation including relevant partners, authorities, trading bodies, local businesses, Town, and Parish Councils. The consultation was published on the website for the full consultation period. A number of comments have been received and several amendments have been made to the original draft. The new amended draft Policy is at Appendix 1 of this report. A summary of the consultation comments is documented at Appendix 2, together with any proposed amendments or officer comments and these are explained in more detail in the section '**Consultation undertaken**' below.
7. Legal advice received after the consultation confirms that Part III of the Food Act 1984 allows either Parish or District Councils to be a Market Authority (both being included in the definition of 'local authority'), thereby allowing Town and Parish Councils to take on the rights and responsibilities for the establishment, control, and enforcement of all commercial and community-based markets within their own parish boundary. In theory both district and parish councils could be a market authority for the same area, but this would be duplicitous and

unnecessarily bureaucratic. In any case the district council will always want to work with the parishes to support opportunities to manage and influence their own community offer.

8. Ward members and parish clerks have been informed of the opportunity for Town and Parish Councils to take on the market authority role if they wish. Epping, Ongar and Loughton Town Councils have elected to be the market authority for their parishes, and this is reflected in amendments to the Policy at paragraphs 4.2, 4.4 and 5.1. Waltham Abbey and Fyfield have also vested an interest. The Market Policy will be updated further should any Parish or Town Councils establish market authority status.
9. The Policy includes a licensing process that requires certain insurances and documentation to be presented at application stage, with an appropriate fee and, on approval, the market licence will be subject to licence conditions to protect public safety, nuisance, highways issues and other regulatory concerns. It is proposed that all commercial markets will be subjected to the licensing regime, however, only large-scale community-based or charitable markets, will require a licence. This rationale is to ensure that the small, ad hoc markets, many of which have operated for many years across the district without any adverse issues or complaints arising, are not burdened with unnecessary bureaucracy. It is considered however, that a community/charitable market operating 25 or more stalls should be included in the licensing regime as the risks to public safety and other environmental health issues including nuisance etc are likely to be relevant and justify scrutiny.
10. A charging process will be included within the licensing regime. A Fees Policy and schedule is proposed at Appendix 3 of this report. The fees for commercial markets vary depending on the size and frequency of the market event over the year and have been calculated based on reasonable and proportionate estimate of the time required to process applications, initial site visits, draft licence agreement and ongoing costs associated with compliance visits, responding to enquiries, complaints, and associated administration. It is proposed that community-based or charitable markets providing 25 or more stalls are charged a flat fee of £100 to cover administrative costs. An additional cost per market may apply where such a market is held more than once in any calendar year and will be based on the market formula set for commercial markets. These fees, if approved will be included in the Council's current Fees and Charges Schedule and will be subject to the Council's annual fee review.
11. Cabinet is asked to adopt the proposed Market policy at Appendix 1 and to agree the Fees Policy and schedule at Appendix 3 of this report, which will be reviewed annually.
12. Finally, Cabinet is asked to ratify a piece of legislation relevant to this Market Policy, that is known to have been adopted by Members historically but does not appear in any current records. The Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so. However, whilst the Council's Constitution references the said legislation in its delegations, no minuted records exist to evidence the adoption of the legislation in the first instance. Our Legal Services recommend that for completeness and to protect against any potential challenge in the courts, that this legislation be ratified and minuted again by the current Cabinet.

#### **Resource Implications:**

There will be no additional staff resource.

A market licence, as required under the Policy, will be subject to an annual fee payable by the market operator. The fees will be reviewed annually and included in the Councils fees and charges schedule

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

The Council has powers under Part 3 of the Food Act 1984, to hold markets within its area and the right to licence and control the frequency of markets within its district.

Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 is also relevant to the Market Policy. Whilst the Council's constitution references the said legislation in its delegations, no minuted records exist to evidence the adoption of the legislation in the first instance. Cabinet is therefore being asked to ratify and minute the adoption of the legislation again for completeness.

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

The Market Policy and licence conditions are designed to protect public safety and to ensure a suitable waste management plan, adequate Event Management Plan and relevant risk assessments are in place.

The provision of outdoor markets may also provide residents and visitors additional confidence on the high street following the covid pandemic experience.

### **Consultation Undertaken:**

There is no statutory requirement to consult before determining this licensing policy however the Council has chosen to consult with the following:

- The National Association of British Market Authorities (NABMA)
- The National Market Traders Federation (NMTF)
- Members of the Council, including Town and Parish Councils
- Local businesses
- Existing operators
- Essex Police
- Essex Fire and Rescue
- Essex Highways
- Essex Trading Standards
- Epping Forest Planning Authority
- Environmental Health
- Relevant Council services responsible for planning, environmental health, licensing, economic regeneration, legal services, and town centre operations

A copy of the policy was also placed on the Council's website inviting comments.

The consultation ended on 6 December 2021. A table of consultation responses received is attached at Appendix 2, which includes confirmation of any amendments made to the Policy as a result of such responses, and any other associated officer comments.

Cabinet may want to note particularly, the following substantive changes to the first draft submission of the Market Policy as a result of consultation responses and further officer considerations:

- A new paragraph is inserted at 8.4 that states that 'community-based markets with up to 24 stalls will not require a market licence however, the Council's expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply'. This has been included, to ensure that the small, ad hoc markets, many of which have operated for many years across the district without any adverse issues or complaints arising, are not required to apply for a market licence which is considered an unnecessary burden.
- A new paragraph inserted at 11.4 under 'Market Fees' reinforces that a market event with less than 25 stalls does not need a licence and therefore no fee is payable. Any community market that falls under the licensing regime by virtue of having 25 plus stalls will only have to pay a one-off administrative fee. An additional cost per market may apply where a community-based or charitable market with 25 stalls or above is held more than once in any calendar year; any additional cost will be calculated using the market formula contained within the general market licence fee structure.
- In response to the consultation, Epping Town Council have taken advice from the National Association of British Market Authorities (NABMA), which informs that as the holder of a Royal Market Charter they are considered an overlapping authority with Market Right; as such it would be prudent for them to be the Market Operator and in doing so be responsible for the issuing of Market Licences within Epping Parish. They have since elected to become market authority for their area, and this encompass both community groups and commercial operators wishing to hold a market within their area and has removed Epping Parish from the scope of this policy.



**Background Papers:**

Epping Forest Council Economic Policy: Nurturing Growth 2020-2025

Buckhurst Hill Regeneration Study 2021

Epping Regeneration Study 2021

Loughton High Road Regeneration Study 2021

Loughton Broadway Regeneration Study 2021

Waltham Abbey Regeneration Study 2021

**Risk Management:**

Risk management will be considered with every licence application. Depending on the size and nature of the market event this may include submission of an Event Management Plan and relevant Risk Assessments. Other considerations will include: any previous applications being refused, or consent being revoked; potential risk to the public in terms of highway safety and obstruction such as interference with sight lines, junctions, accesses, pathways and crossings; free flow of pedestrians or vehicles in the street, with particular regard for the visually impaired or those with other physical disability; the nature of goods to be traded, including those deemed inappropriate or to have an adverse health or environmental risk; the likelihood of activity to present crime and disorder or anti-social behaviour risk; potential for noise, odour and litter or encourage vermin; comments received from consultees; other required permissions or consent; and any conflict with any other Council policy.

These will be considered by Licensing Officers prior to any market event and additional requirements, or adjustments agreed with the market operator before start date.



## **Market Policy**

This document provides policy and guidance for persons wishing to hold private, commercial and/or charity markets together with car boot sales or similar across the district of Epping Forest.

## 1. Introduction

- 1.1 Epping Forest District Council (“the Council”) recognises the important contribution that markets can make to the local economy and the character of an area. Markets can deliver economic growth & regeneration; they offer an opportunity for small businesses to get started for a relatively modest financial outlay, help increase town centre vitality and contribute in a number of ways to the local communities they serve.
- 1.2 The promotion of markets is an important inclusion in the town centre regeneration projects for Epping, Loughton, Ongar, Waltham Abbey, Buckhurst Hill, and the district as a whole and is particularly relevant, following the coronavirus pandemic which has redirected community focus towards the outside shopping and hospitality experience.
- 1.3 The purpose of this policy is to create a market trading environment that compliments the surrounding area and retail offer, is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers. It seeks to encourage and stimulate investment from local traders and to create a quality and sustainable offer to our residents and visitors.
- 1.4 The Council recognises that there are many different types of market activities and accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Sections 7 & 8 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.
- 1.5 This policy has been written with a view to supporting the following objectives:
  - Recognise the importance and contribution of markets to the wellbeing of the local economy;
  - Enhance the economic diversity of the area;
  - Protect and, where possible, enhance the amenity and character of the District and local communities within it;
  - Offer opportunity for local traders and businesses;
  - Provide traders with guidance and clarity;
  - Encourage residents to spend locally on their High Streets and support their local business community;
  - Ensure coherence with Council policies and relevant legislation; and
  - Promote fairness, transparency, and consistency.

## 2. Consultation and Review of the Market Policy

- 2.1 There is no statutory requirement to consult before determining this licensing policy however to ensure openness and transparency, prior to implementing this policy the Council has chosen to consult with the following:
  - The National Association of British Market Authorities (NABMA)
  - The National Market Traders Federation (NMTF)
  - Members of the Council, including Town and Parish Councils
  - Local businesses
  - Existing operators
  - Essex Police
  - Essex Fire and Rescue
  - Essex Highways
  - Essex Trading Standards

- Epping Forest Planning Authority
- Environmental Health
- Relevant Council services responsible for licensing, economic regeneration, legal services, and town centre operations

2.2 A copy of the policy was also placed on the Councils website inviting comments.

2.3 This policy may be reviewed from time to time by the portfolio lead for Technical Services. Any revisions made to the policy shall take effect on publication of the policy (as revised) on the Councils website. The policy will also be submitted to the Councils Licensing Committee for overview at 5-year intervals, or sooner if deemed appropriate.

2.4 Anyone wishing to comment on this policy may do so in writing to the Licensing Team Manager, Epping Forest District Council, Civic Offices, 323 High Street Epping CM16 4BZ or via the Councils comments, compliments and complaints page on the Councils website at [Comments, compliments and complaints – Epping Forest District Council \(eppingforestdc.gov.uk\)](https://www.eppingforestdc.gov.uk/comments-compliments-and-complaints) .

### **3. Council and Charter Markets**

3.1 Epping Forest District Council licenses private operators to operate the following markets:

- North Weald Market – every Saturday and Bank Holiday Monday between 8am & 3pm

3.2 The Town Councils in the following areas either do or can operate a market by virtue of an historic Royal Charter:

- Waltham Abbey Market – every Tuesday and Saturday
- Epping Market – every Monday
- Ongar Market – first Sunday of every month

### **4. Epping Forest District Council's Market Rights**

4.1 The towns of Epping, Waltham Abbey and Ongar are legally entitled, by virtue of historic Royal Charter to operate weekly markets. In more recent times, powers have been vested in local authorities under, what is now, Part III of the Food Act 1984, to hold markets and have the right to licence and control the frequency of markets within their district.

4.2 Part III of the Food Act 1984 allows either Parish or District Councils to be the Market Authority and Epping, Loughton and Ongar Town Councils have elected to be Market Authority for their Parishes. As such Epping, Loughton and Ongar Town Council enjoy the rights and responsibilities for the establishment of all commercial and community-based markets within its area. Whilst the district council is the current market authority for all other areas, any future proposals by other Parish or Town Councils to become a market authority will be reflected in an updated Market Policy document.

4.3 In addition to the regular Council markets listed above, the Council, where it is the Market Authority, may also operate occasional market events, such as plant and craft fairs, Christmas and summer markets, festivals, and other themed markets across the district. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Council's Markets Policy.

4.4 Any market other than a market operated by Epping Forest District Council or a Charter market, or a market operating within the Epping, Loughton, or Ongar Parish, will be subject to this policy.

4.5 The Council has also adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate, the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.

4.6 This right has been exercisable for many years and this policy takes into account the relevant legislation.

## **5. What is a market event and who does the market policy apply to?**

5.1 The Council's Markets Policy is intended to apply to all market events held in the district of Epping Forest, (but not Epping, Loughton, or Ongar Parish), that are not a Charter market or are not operated by Epping Forest District Council.

5.2 The legal definition of a market is a 'concourse of buyers and sellers' (this means that the public are entitled to attend market events to buy and sell). It should be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold by a range of different sellers.

5.3 A market may be held either outdoors or indoors and on public or private land and includes car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets but does not include jumble or table-top sales held for charitable or community purposes. However, this list is not exhaustive.

5.4 There will be an operator of the market who will be responsible for the organisation and delivery of the market event. A Market Operator means the person, body, or organisation to which a market licence is granted by the Council.

5.5 A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate licence may not be required. However, this requirement shall be determined on a case-by-case basis.

5.6 This markets policy does not apply to street trading activities. Street trading is controlled by a separate licensing process and relates to the granting of individual trader consents. Further information about street trading activities can be found on the Epping Forest District Council website: <https://www.eppingforestdc.gov.uk/licensing/apply-for-a-licence/street-trading/>

## **6. Licensing of Markets under the Council's Market Policy**

6.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 14 below.

6.2 Market licenses are issued to the Market Operator identified in the application ("the Market Operator") and are not transferrable.

6.3 The Council shall consider applications in respect of the following categories of market events:

- a) Commercial markets; and
- b) Community-based markets (operated for a good cause or special event, with a strong charitable element).

The criteria set out in Section 5 above will be relevant in respect of both Commercial and Community-based markets.

## **7. Commercial Markets**

7.1 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of commercial markets whilst also having regard to the following matters:

- No market shall be authorised unless it can be demonstrated that the proposed market complements existing retail activity in the local area and supports the Council's objective of helping to create a thriving local economy that is attractive and welcoming and does not prejudice the overall market offer.

- A lawful Council operated market, Charter market or other market which the Council has issued a licence, is entitled to the right of protection within a common law distance of six and two third miles from the existing market on the same day - measured 'as the crow flies. This common law entitlement is part of a local authority's market rights and has been upheld by a Court of Appeal.
- A new market will not be permitted to operate within the common law distance of the established market, on a different day or days, if it can be proved that there is a reasonable likelihood of damage to the business activity of the established market. However, the evidential burden of proof is placed on the person or organisation raising the objection to show that this is or will be the case.
- Please note that, irrespective of this Council's Policy, an established market owner is entitled to take its own private legal action against any rival market by virtue of s.50 (2) of the Food Act 1984.
- The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- Design of stalls must enhance the visual appearance of the area and be constructed in a suitable style and of appropriate materials i.e., simple, functional stalls with canopies or awnings of traditional or modern design.
- The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place. All traders must comply with any relevant statutory requirements, bylaws, and other legislation.
- Where necessary consultation with police, fire, health & safety, and highways should be carried out together with any other relevant body.
- The relevant application fee must accompany the application. The licence fees for any markets licence consist of a non-refundable fixed application fee and a sliding scale fee based on both the size of the market and the frequency with which the market is to be held.
- All market traders must hold a current public liability insurance policy with cover of at least £5,000,000.00 (five million pounds) for any one claim. The policy must indemnify the Council and its employees against any claim, howsoever arising. Details including name and address of insurance company and policy number must be provided to the Council and upon each renewal date updated details produced and filed in the Council office prior to the market taking place.
- All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to. Food businesses with articles exposed or offered for sale for human consumption shall comply with current food & hygiene regulations and be able to demonstrate the required certification.
- Food businesses trading should have a minimum food hygiene rating of 3 (standards are generally satisfactory) or above.
- Type of goods to be sold. The goods must complement and not conflict with goods sold by other retailers in the immediate area.
- Consideration being given to the adjacent retail offer to each individual pitch and limiting the number of those selling similar goods. This encourages diversity of offer and operators should seek to complement rather than compete.
- Demonstrates a preference to the use of local traders and businesses.

1.1 Following outline approval of an application a licensing agreement must be entered into between the Market Operator and the Council and such licensing agreement must be signed by both the Council and the Market Operator before the market takes place. The licence

agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including, but not limited to the following:

- Waste disposal arrangements. Applicants have a legal responsibility under the Environmental Protection Act 1990 and other related legislation to safely contain and legally dispose of any waste produced.
- Road closures and traffic management
- Noise and nuisance
- Health & Safety
- Power usage
- Market Operator agrees to allow access to appropriate Council Officers in the interest of public safety.

Any other requirements the Council consider appropriate.

## **8. Community – Based Markets**

- 8.1 Community-based markets are normally organised by local communities or groups with the intention of raising funds for a specific cause or celebrating a special event.
- 8.2 The markets must be operated on a non-profit basis to assist a charity or community, and the operator shall supply relevant information to the Council if requested. Whilst it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element in the way the event is organised.
- 8.3 Where a market is being operated on behalf of a registered charity, the operator must provide written permission from the charity organisation to raise funds on their behalf.
- 8.4 Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.
- 8.5 In respect of any licence the operator must have adequate insurances, comply with Trading Standards guidelines, health and safety requirements and any other legislative requirements or other statutory provisions laid down by the Council.
- 8.6 Where applicable, a licensing agreement will be entered into between the operator and the Council, and such licensing agreement must be concluded before the market takes place. This agreement will include and insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

## **9. Process for Determining Market Applications**

- 9.1 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from <https://www.eppingforestdc.gov.uk/xxxxxxx>.
- 9.2 The application accompanied by the relevant fee should be completed and submitted to [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)
- 9.3 The application process will consider such matters as (but not limited to):
  - Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments? The purpose of the risk assessment is to:
    - a) Identify elements of the event or infrastructure that could cause injury or illness
    - b) The likelihood that someone could be harmed and how seriously (the risk)
    - c) What action will be taken to eliminate the hazard, or if this is not possible, control the risk

The risk assessment will form an important part of the overall event management plan however, the event management plan should consider wider issues including noise levels and the likelihood of noise disturbance to local residents, crime and

disorder, evacuation, parking, stewarding and marshals, staff training, ingress, and egress of attendees etc.

Further details on event planning can be found on the Health and Safety Executive website here [Event safety - Running an event safely \(hse.gov.uk\)](https://www.hse.gov.uk/event-safety)

- Has the operator held other events within the district, if so, how many and at what frequency?
- Previous applications being refused, or licence being revoked.
- Has permission been granted by the venue/landowner?
- Potential risk to the public in terms of highway safety and obstruction such as interference with sight lines, junctions, accesses, pathways, and crossings.
- Free flow of pedestrians or vehicles in the street, with particular regard for the visually impaired or those with other physical disability.
- Road safety, including existing traffic orders and waiting restrictions.
- The nature of goods to be traded. Including those deemed inappropriate or to have an adverse health or environmental risk.
- Likelihood of activity to present crime and disorder or anti-social behaviour risk.
- Whether the grant would create conflict with the trade of existing businesses.
- Likelihood of noise, odour and litter or encourage vermin.
- Comments received from consultees.
- Obtaining of any other required permission or consent.
- Conflict with any other Council policy.

- 1.1 The Council will aim to deal with applications within a period of 28 days of receipt. Applicants are urged to apply as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and covered on the application form. Failure to provide full information as highlighted above may lead to a delay in the Council reaching its decision or the application being refused.
- 1.2 The guidelines detailed in sections 7 & 8 of this policy will be applied when an application is made and received by the Council.
- 1.3 Where an application is refused, the Council will set out the reasons for its decision in writing. If the applicant wishes to appeal the decision it should do so, in writing, within fourteen days of the Council's written decision. Please see section 10 in respect of the appeals procedure below.
- 1.4 All decisions to grant a market licence are made at the discretion of Epping Forest District Council. The Council may issue a licence for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.

## **10. Appeals Process**

- 10.1 If the Council determines to refuse an application for a market licence, it will contact the applicant and set out the reasons for its decision in writing.
- 10.2 There is no statutory right of appeal against the refusal to issue a market licence. However, the applicant may appeal against the decision through the Epping Forest District Council complaints procedure.
- 10.3 If the applicant wishes to appeal the decision it should do so, in writing, within fourteen days of the Council's written decision, setting out the reasons why the applicant believes the decision is unwarranted.
- 10.4 On receipt of an appeal request the decision will be reviewed by the Service Manager for Technical Services and the applicant informed of the outcome in writing.



## 11. Market Fees

- 11.1 A reasonable administrative fee will be charged for applications. The fees are set on a cost recovery basis, taking into consideration the time and cost to the Council in determining the application. If the application is successful, there will be an additional fee to cover the cost of ongoing compliance visits.
- 11.2 The additional fee is payable once the application has been granted by the Council. An agreement between the applicant and the Council will be drawn up by the Council and this will require the appropriate fee to be paid at least 7 days prior to the event taking place.
- 11.3 The fees are payable annually and are determined on the type, size, and frequency of the market. Please refer to current fees schedule for full details.
- 11.4 Fees do not include any other fees that may be charged for the operator to comply with other relevant legislation, for example, a Game Licence, Alcohol Licence, Planning or Highways permission.
- 11.5 Fees are reviewed annually and are available on the Councils website.

## 12. Other Approvals

- 12.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents, or licences to be obtained by the Market Operator.
- 12.2 Where the market is being held on private land, the Market Operator must ensure that approval from the relevant landowner is obtained prior to submitting the market application.
- 12.3 The Market Operator should also consult with the Councils Planning Department to ascertain whether planning consent is required for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent. Contact: [Planning.Admin@eppingforestdc.gov.uk](mailto:Planning.Admin@eppingforestdc.gov.uk) / 01992 564000.
- 12.4 The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market. Essex County Council has legal powers to temporarily close roads and divert traffic in order to facilitate various types of events. Applications for temporary road closures in relation to markets should, in the first instance, be addressed to Essex County Council (see [www.essex.gov.uk](http://www.essex.gov.uk) for more information).
- 12.5 Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice might be required in respect of the sale of hot food or alcohol. Contact: [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk) / 01992 564000.
- 12.6 The Council has approved the adoption of Section 37 of the Local Government (Miscellaneous Provisions) Act 1982. This Section deals with temporary markets and any operator of a temporary market, together with the occupier of land on which the market is to be held, are required to give to the Council not less than one month's notice of the holding of the market.
- 12.7 Any notice given by the operator and the occupier of the land shall state:
- 12.8 The full name and address of the person intending to hold the market
- 12.9 The day or days on which it is proposed that the market will be held and its proposed opening and closing times
- 12.10 The site on which it is proposed that the market will be held; and
- 12.11 The full name and address of the occupier of the land if he is not the person intending to hold the market.
- 12.12 It is important to emphasise that the requirements of Section 37 are quite separate to the licensing of events under the Council's Markets Policy set out in Section 9. The operator and the occupier of the land should ensure that a notice is given to the Council under the requirements of Section 37 as **Page 89** proposals for a temporary market are under

consideration. This will enable the Council to consider a proposal and indicate its likely view on a subsequent application for a markets licence.

### **13. Renewing or Termination of the Market Licence**

- 13.1 Market licences will be granted for a maximum 12-month period. Operators should re-submit their application if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires. No reminders will be sent
- 13.2 The market licence may be terminated by either party by giving twenty-eight days' notice in writing.

### **14. Enforcement**

- 14.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy.
- 14.2 Any market which is not approved by the Council under its Markets Policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.
- 14.3 Any Market Operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the Market Operator concerned or any person or organisation associated with the Market Operator.
- 14.4 Any costs associated with enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.
- 14.5 It is the responsibility of the Market Operator to ensure compliance with the conditions of the market licence. This includes ensuring that all traders are aware and comply with relevant conditions.
- 14.6 The Council will deal with complaints about markets using its existing policies depending upon the complaint.

### **15. Market Rules and Conditions**

- 15.1 The Market Operator shall not permit the sale, exchange or giving away of live animals, birds, fish, reptile, or other livestock on the marketplace.
- 15.2 No firearms (real or imitation), air weapons, sheath knives, cut-throat razors, hunting/fighting knives, bows or crossbows may be available for sale (domestic cutlery is permitted). The sale of any item that may be deemed to be of a harmful, objectionable, or offensive nature, or that is prohibited by current Acts of Parliament, is not permitted.
- 15.3 No goods may be displayed or sold which in the opinion of the Council are inappropriate, or likely to cause offence to other traders or members of the public.
- 15.4 Loudspeakers, instruments, or other noise generating appliances are not to be used or shall be so moderated as not to cause any nuisance, annoyance, or disturbance.
- 15.5 Where the market is held on the public highway, there must be an absolute minimum of 0.450 metres from the kerb edge to a market stall/person serving at the market stall.
- 15.6 Vehicles to unload and load the market are not exempt from existing parking restrictions/taxi bays/disabled parking bays, therefore it is important to consider where they can park safely without having an impact on any other highway user.
- 15.7 Where the market is held on the public highway, market vehicle parking should be considered as most locations cannot accommodate all day parking.
- 15.8 Where the market is held on private land, the Market Operator must ensure that there is adequate parking on the market site for both sellers and buyers.

- 15.9 Where applicable, the Market Operator must ensure that there are sufficient stewards on duty to control traffic entering and leaving the market site and to control parking on the site in a safe manner.
- 15.10 Market loading and unloading must not cause any trip hazards.
- 15.11 Traders/the Market Operator must supply their own stalls, including any tables and awnings. Awning and stalls used must be stable in all weather conditions and not present a danger or trip hazard to other market/highway users.
- 15.12 Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, older people, and those with mobility needs. A width of 2m should be maintained but where this is not possible, 1.5m will be the minimum width allowed. Market stalls must be located to ensure that queues do not impede access routes.
- 15.13 Market stalls should be allocated positions that ensure any queues do not block the footways.
- 15.14 Stalls should not have goods spread across the footway in front of them.
- 15.15 The Market Operator must provide suitable receptacles for the disposal of litter and ensure that all rubbish is removed from the vicinity of the market at the end of the day's trading.
- 15.16 Traders shall not bring onto the market any inflammable liquids, gases, fireworks, or similar articles which may cause fire or explosion. The exception being a gas supply for cooking food upon such conditions as the Council may direct.
- 15.17 No goods may be displayed or sold that are counterfeit or in breach of copyright or patent.
- 15.18 No mains-powered electrical goods may be sold except for new items still in their original packaging. Second-hand or used electrical goods may not be sold, even if PAT-tested
- 15.19 All traders must familiarise themselves with the conditions of the licence issued by the Council.
- 15.20 All incidents, accidents and "near misses" involving Traders, their staff or members of the public must be recorded and reported as soon as possible to the Council.

**This list is not exhaustive, additional conditions may be added or removed to the licence dependant on the type and size of the event.**

### Market Policy Consultation Responses and Action Taken

Responder	Comment	Proposed Action Taken
Essex Police – received via email	15.16 An acceptable width of footway should be left available at all times – What is “acceptable “it may be useful to stipulate a distance or for example “Wheelchair, pushchair access “	Amend 15.16 to include Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, older people, and those with mobility needs. A width of 2m should be maintained but where this is not possible, 1.5m will be the minimum width allowed. Market stalls must be located to ensure that queues do not impede access routes. This is consistent with pavement licensing policy. <b>Outcome achieved;</b> This is consistent with current pavement licensing policy and provides clear guidance to operators.
Friends of Swaines Green - organisers of the annual May Fayre – received via email	<p><b>Point 1.</b></p> <p><i>5.4 There will be an operator of the market who will be responsible for the organisation and delivery of the market event. A Market Operator means the person, body, or organisation to which a market licence is granted by the Council.</i></p> <p><i>5.5 A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate licence may not be required. However, this requirement shall be determined on a case-by-case basis.</i></p> <p>Clearly, we will need a market licence for the May Fayre, but this implies we would require a licence for a ‘wider event’ – is this correct and what further licence would we need?</p> <p><b>Point 2.</b></p> <p>We note that our May Fayre is a ‘Community based market’ according to your section 8, although the implications are not clear.</p> <p><i>8.4 In respect of any licence the operator must have adequate insurances, comply with Trading Standards guidelines, health and safety requirements and any other legislative requirements or other statutory provisions laid down by the Council.</i></p> <p>We have insurance for the May Fayre, but there is no indication of what level</p>	<p><b>Point 1.</b></p> <p>Amend draft policy to state; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy. Those with 25 or more stalls will require a market licence to which a fee will apply.</p> <p>Advice given regarding other licensing requirements that may apply i.e., premises licence or Temporary Event Notice if Alcohol is to be sold.</p> <p><b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.</p> <p><b>Point 2.</b></p> <p>No proposed action. The policy states that all market traders must hold a current public liability insurance policy with cover of at least £5,000,000.00 (five million pounds) for any one claim, but we do not specify an amount for the operator. The Council’s view is that this is a matter for the operator to determine in discussion with their insurer as they will be best placed to advise on the appropriate level of insurance cover required.</p> <p>Should the Council determine to remove the requirement for community/ charity-based markets with less than 25 stalls to hold a market licence, then the Council will not be imposing any formal requirements on the event</p>

	<p>is 'adequate'. How should we interpret that?</p> <p><b>Point 3.</b>  <i>9.3 The application process will consider such matters as (but not limited to):</i></p> <ul style="list-style-type: none"> <li>• <i>Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?</i></li> </ul> <p>No information is given on what you consider an Event Management Plan to comprise, nor of what Risk Assessments you would require. Please clarify to provide enough information so that this requirement can be complied with. Does the Council require a copy of these documents as part of the licensing process?</p> <p><b>Point 4.</b>  <i>15. Market Rules and Conditions</i>  <i>15.1 The Market Operator shall not permit the sale, exchange/giving away or display of live animals, birds, fish, reptile, or other livestock on the marketplace.</i></p> <p>We need a lot more clarity on this point. We normally include stalls supporting charities for ferrets, owls, sometimes lizards etc., and these stalls have these animals on display for the public to see and sometimes handle. This is typical for a public event of this type anywhere in the country, and it would be very disappointing not to have these. In addition, we need to determine if this regulation prevents us from having a dog show, ferret races, or a bird of prey demonstration, for example. If it does not, then this regulation needs expressing more clearly.</p>	<p>organisers. However, it is the Councils expectation that all operators comply with the market rules and conditions detailed in the policy as a matter of good practice.</p> <p><b>Outcome achieved;</b> Clarification provided</p> <p><b>Point 3.</b>  Amend policy to include Market operators, should have a risk assessment in place to protect themselves, volunteers, traders, and those attending the event from potential harm. The purpose of the risk assessment is to.</p> <ul style="list-style-type: none"> <li>• Identify elements of the event or infrastructure that could cause injury or illness</li> <li>• The likelihood that someone could be harmed and how seriously (the risk)</li> <li>• What action will be taken to eliminate the hazard, or if this is not possible, control the risk</li> </ul> <p>The risk assessment will form an important part of the overall event management plan however, the event management plan should consider wider issues including; noise levels and the likelihood of noise disturbance to local residents, crime and disorder, evacuation, parking, stewarding and marshals, staff training, ingress, and egress of attendees etc. Further details on event planning can be found on the Health and Safety Executive website here <a href="http://www.hse.gov.uk/event-safety">Event safety - Running an event safely (hse.gov.uk)</a></p> <p><b>Outcome achieved;</b> Clarification and guidance provided to applicants.</p> <p><b>Point 4.</b>  Amend 15.1 as follows;</p> <p>15.1 The Market Operator shall not permit the sale, exchange/giving away of live animals, birds, fish, reptile, or other livestock on the market - place.</p> <p><b>Outcome achieved;</b> This will no longer prohibit the exhibition of animals etc.</p>
Epping Horticultural Society (EHS) – telephone enquiry	Concerns raised that annual EHS flower show at St Johns Church Epping will under the proposed policy require a market licence due	Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply

	<p>event having between 6 -12 stalls and this will not be financially viable.</p>	<p>with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p> <p><b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.</p>
<p>Loughton Residents Association</p>	<p>For many years we have organised a monthly market on Centric Parade, High Road, Loughton, in conjunction with a commercial market operator. We wish to restart these markets in 2022, on a similar basis.</p> <p>We therefore welcome the Council's proposals and look forward to them being brought into force at the earliest possible date.</p> <p>Our only comment on the text of the Policy is that we think that it would help avoid misunderstandings and/or doubts among readers of the Policy if paragraph 5.6 can be amended to make it clear that individual traders do not need to apply for individual street trading licences if a market licence is being applied for by a market organiser, as this point has already been raised with us.</p>	
<p>Paul Messenger <i>FIPM</i> Town Centres Manager Epping Forest District Council</p>	<p>I am writing further to your letter of 29 November 2021 inviting comments on the proposed Market Policy. In basic terms, I consider the introduction of this Policy to be a very positive step and a formal method of regulating and licensing the running of one off and/or regular markets across the District, particularly where towns do not hold Charter Market status. At the current time, I am in conversation with three locations which have expressed an interest in running a market and where the implementation of this Market Policy would play a crucial part in enabling them to do so.</p> <p>From my perspective as a Place Manager and Town Centres Manager for Epping Forest District Council, I consider that markets can play an important role in contributing to a vibrant and attractive town centre. They provide social value to the town in which they are based and provide benefits to economic, social, and environmental wellbeing. Further, markets can stimulate a footfall increases of up to 25% (Institute of Place Management 2015) which in turn can increase retail sales for the town as a whole as visitors also spend money in the town's other</p>	

	<p>shops. Markets also encourage new businesses and nurture retail innovation particularly as they provide low barriers to entry. Overall, therefore, I see that this Policy will be highly beneficial and will provide towns and villages across the District with a means of operating a market and the required guidelines for doing so.</p> <p>At the current time with Covid being so prevalent open air markets are also good as they enable people to shop, whilst at the same time engaging in social interaction in the relative safety of the open air. This in turn encourages the social wellbeing and community value of a town at a time when people could become isolated, alone, and out of touch.</p> <p>Although I am not qualified to comment on the contents of the Policy, I would say that it appears to be extremely comprehensive and covers every eventuality.</p> <p>In short, I welcome the introduction of this Policy and on its completion, will look forward to speaking to towns and villages about the benefits of markets and the merits of holding them within their particular location.</p>	
T.A.N.Valder-Hogg	<p>I am concerned that the draft market policy will create burdens for small shows, such as the Epping Horticultural Society show or the Epping Railway Circle exhibitions that will make them unviable. It appears (my notes below) that charities holding "markets" are exempt from some of the burdens the policy would introduce for commercial operations, but other not-for-profit organisations are not clearly exempted. Many small organisations are not charities because it introduces administrative burdens for little or no gain. I can tell you from experience that it is extremely difficult to find a treasurer for organisations which aren't charities, and more so if they are. You may notice that s1.4 mentions charities, and not other not-for-profit. I think a whole section of community events has been forgotten about and the document as it lumps them with commercial costs (as yet unstated) and administration. I also wonder what effect this draft policy would have on not-for-profit stalls at commercial markets.</p> <p>Notes: According to s5.5 this is to apply to any event with more than five stalls selling anything, other than street</p>	<p>Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p>

trading.  
s8 deals with “community” markets which must be not-for-profit.  
8.2 specifies not-for-profit or charity BUT 8.3 requires proof of charity registration thus eliminating not-for-profit organisations which are not charities e.g. the Epping Horticultural Society, Epping Railway Circle. This is very important as small community groups are often not charities because of the increased administration without any great benefit. If this section is not sensibly rewritten, it will put all the burdens a commercial enterprise would have onto not-for-profits and bring an end to shows/exhibitions in the EFD area.  
s9.3 mentions a borough - Has this been copied from a London Borough without sufficient thought as to the effects in an area like ours, or perhaps the writer is unaware that EFD is not a borough.  
s11 Fees - These are unstated, but the indication is that there will be significant administration and the fees for this might be injurious for organisations which struggle to break even. For reference, horticultural society shows expect to make a loss. Some charities have quite small turnovers, and one wonders what the effect of this might be on Womens Institute or church open events  
s15.3 - the writer should note that the use of a system to make announcements is at some events a safety requirement as well as necessary for things such as prize giving. Rewriting desirable.  
15.7 - People around Epping rely on the public car parks to get to almost any Epping event. Will the lack of parking prevent markets from taking place in Epping?

**2<sup>nd</sup> Response**

Thank you for taking the trouble to write and include an updated draft policy.

The policy seems much improved and I wonder if I may suggest a couple of small changes:

In 8.2 add “or community interest” after or before “charitable element”.

In 15.3 the removal of “not to be used” would be clearer as the latter part of the sentence goes on to allow them within sensible parameters. You were going to add a sentence allowing public address for safety, but this would keep the length down and make qualification unnecessary.



	<p>I wonder how the District Council acting as a licensing authority will work with the other local authorities with market rights. Will it be necessary to obtain licences both from the District Council and a Town Council in those places which have charter markets? It seems sensible in such places to only have to obtain a licence from one authority, and that authority would most sensibly be the one with a more detailed knowledge of the town; the Town Council.</p> <p>Tim Valder-Hogg</p>	
<p>Judy Lovell - Loughton Broadway Town Centre Partnership</p>	<p>I am writing on behalf of the Loughton Broadway Town Centre Partnership. The draft market policy was circulated to members before our last meeting. The general feeling was that we are appreciative of the work put into drawing up this draft policy, and we are glad that there will be clarity for anyone who wishes to establish a commercial market locally.</p> <p>In particular we are glad that it states that there is a desire to complement the existing retail opportunities, as we would not want existing retailers to feel that they were facing inappropriate competition.</p> <p>The aim of helping to create a thriving local economy and that goods must complement and not conflict with goods sold by other retailers in the immediate area is also appreciated.</p> <p>The encouragement of diverse offers and complementary goods within the market itself is also valued.</p> <p>At this stage there is no indication of the amount that will be charged for either a commercial or charitable market, and so we are unable to comment on that aspect of the policy.</p> <p>Thank you for holding a consultation on the policy.</p>	
<p>Jo Mackey – Restore Community Church</p>	<p>After reading through the draft market policy I am concerned that not enough thought has been given to the consequences of the policy regarding the Charity sector.</p> <p>I understand the need for a policy but most Churches, Schools and other Community organisations will at some point have a fete or market type event in order to fundraise, so the question is how will you make them aware of the policy? What will happen if they fail to apply for a licence? Will EFDC be able to cope with an influx of applications which I can imagine will be focussed on specific times of the year? Would it not be prudent to increase the number of stalls you can have before requiring a licence?</p>	<p>Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p> <p><b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.</p>

<p>David Buckle Show Secretary, Epping Horticultural Society</p>	<p>Having reviewed the draft policy as Show Secretary of the Epping Horticultural Society, the following concerns and questions have been raised</p> <p>1)As a local society that is not registered as a charity (but affiliated with the RHS), would our annual horticultural show have to be registered as a commercial market under the proposed policy?</p> <p>a)Other than by formally applying is there any way to confirm the categorisation?</p> <p>2) As a society that is not a registered charity, the proposal paragraph 8.3 is disturbing. “The operator must hold adequate proof that the charity they represent is registered with the Charity Commission, and provide written permission from the charity organisation to raise funds on their behalf.”</p> <p>a) Does this paragraph apply only to those claiming charitable status or are all local societies required to conform? I’d suggest that “that the charity they represent” be changed to “that any charity or charities they intend to represent”.</p> <p>b)While the society makes no claim to be, or represent, a charity, several stall holders are there as representatives of such. Would each charity that may be invited be required to provide the noted proofs at the time of the licence application?</p> <p>3)While the society is covered by public liability insurance for its public interactions, the level suggested (admittedly under the commercial heading) is somewhat in excess of our current policy. Would we need to revise our insurances to gain a license? Would we also need to ensure that each potential vendor is separately insured to an equivalent standard under the licence terms?</p> <p>4)While the society can see the intent behind the provision of the hygiene rules, continued use of the church tea-making facilities at St Johns, Epping, and the sale of the WI’s excellent cakes at the show would seem to be ruled out as each and every volunteer or potential donor would need a separate certificate. As this forms a key part of the core of the show’s social interactions it may be better for us to ensure that the need to register never applies or that this activity ceases, to the detriment of all concerned.</p>	<p>Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p> <p><b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.</p>
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	<p>5)The policy gives no indication of the scale of tax that might apply in order for a local organisation to gain an appropriate licence. Given the small budgets and narrow/negative profits this event would be quite sensitive to that tax scale.</p> <p>6)The policy would appear to apply to the efforts of almost every social institution in the district – school fetes, open-days at the fire station, church socials, airfield museum open days, etc. Are all intended to be covered and require licencing?</p> <p>In the light of the suggestion (23/11/2021) to increase the limit to 25 stalls for non-commercial events, I would see that as a great step forward for many groups, but not a universal panacea to the above issues.</p>	
Epping Town Council	<p>On 29th November 2021, representatives of Epping Town Council met with representatives of Epping Forest District Council to discuss Epping Forest District Council's Markets Policy and how it may affect Epping Town/Parish, as Epping Town Council are the holder of a Royal Market Charter and as such, are an overlapping authority with Market Rights. Representatives of Epping Forest District Council advised that they would undertake further research and work on their Policy and further communication would take place between the two Councils. After taking the necessary legal advice, Epping Town Council adopted a Market Policy, which is attached to this correspondence. Epping Town Council have been advised that it would be prudent for Epping Town Council to be the Market Operator for Epping Parish, which would encompass the community groups in Epping Parish. This would reduce unnecessary complications and duplicate administration. Epping Town Council's Market Policy has been adopted. It will, of course, be necessary for there to be further communications between the two Councils. In its current form, Epping Forest District Council's Markets Policy does not recognise the Market Powers held by Epping Town Council and will need to be amended to reflect these. Epping Town Council look forward to working with Epping Forest District Council in relation to this matter.</p>	<p>Further discussions with Epping Town Council, the NABMA and our Counsel opinion (Cornerstone Barristers) is summarised as: The Food Act 1984 empowers a local authority to establish and operate markets across its district and to be the market authority. The legal definition of 'local authority' under the Food Act includes district and parish councils.</p> <p>The Epping Forest District Council cannot therefore assume market authority status for all parishes across the district and it is within the gift of each parish to propose to be the market authority for their own parish. In theory both district and parish councils could be a market authority for the same area, but this would be duplicative and unnecessarily bureaucratic. In any case the district council will always want to work with and not against the parishes.</p> <p>Epping Town Council and Ongar Town Council want to be the market authority for Epping parish and our market policy is amended to reflect this. Other Parish Councils are considering their options</p> <p><b>Amendments:</b> Insert a new paragraph 4.2 to state : Part III of the Food Act 1984 allows either Parish or District Councils to be the Market Authority and Epping and Ongar Town Councils are elected the Market Authority for their Parishes. As such Epping and Ongar Town Council enjoy the rights and responsibilities for the establishment of all commercial and community-based markets within its area. Whilst the district council is the current market authority for all other areas, any future proposals by other Parish or Town Councils to become a market authority will be reflected in an updated Market Policy document.</p>

		<p>Amend paragraph 4.4: Any market other than a market operated by Epping Forest District Council or a Charter market, or a market operating within the Epping or Ongar Parish, will be subject to this policy.</p> <p>Amend paragraph 5.1: The Councils Markets Policy is intended to apply to all market events held in the district of Epping Forest, (but not Epping or Ongar Parish), that are not a Charter market or are not operated by Epping Forest District Council.</p> <p>Amend 9.5 as follows: The Council will consult on applications and in doing so it will share information with other agencies as appropriate including the Town and Parish Councils, the Police, Essex County Council Highways, Planning and Environmental Health etc.</p> <p>Insert new paragraph at 9.6: Where an application has been submitted, in an area legally entitled, by virtue of historic Royal Charter to operate weekly markets, the automatic presumption will be to refuse permission, unless the application is supported by that Parish or Town Council.</p> <p><b>Outcome achieved:</b></p> <p>The Market policy is amended to reflect the market authority status of Epping, Loughton and Ongar Town Council and a clause is inserted that allows for other Parish Councils in the future to be included as a market authority.</p>
<p>Peter Sparks On Behalf Of Debden Traders.</p>	<p>This comes as a refreshing read , straight forward and of a good economic business strategy for our future.</p> <p>However this is no different The Debden Traders proposals over a year ago at street trading licence renewal for the Broadway weekly Market. We can only assume common sense has prevailed and we can at least now move forward in a positive direction.</p> <p>This all meets with our satisfaction and hopefully 2022 will be a fresh start for all with a bright future.</p>	

### **Appendix 3            The Market Fees Policy and Fee Schedule**

#### Commercial Markets

1. An initial administrative fee is charged as part of the market licence application process, which is non-refundable, regardless of the application outcome, subject to mitigating circumstances
2. An additional fee is payable once the application has been granted by the Council
3. The Market Licence will be for a period of 12 months after which a new application will be required

#### Fee Schedule

The fees are payable annually and are determined on the size and frequency of the market

<b>Number of Stalls</b>	<b>Application Fee (including 1<sup>st</sup> Market)</b>	<b>Additional amount per market</b>	<b>Example annual cost for 12 markets</b>
Less than 15	£100	£10	210
15 - 24	£150	£15	315
25 - 34	£200	£20	420
35-44	£300	£30	630
45 – 54	£400	£40	840
55 - 100	£500	£50	1,050

The fees have been calculated based on reasonable and proportionate estimate of the time required to process applications, initial site visits, draft licence agreement and ongoing costs associated with compliance visits, responding to enquiries, complaints, and associated administration.

#### Community- based and Charitable Markets

1. Market events with up to 24 stalls do not require a markets licence and no fee is applicable
2. Market events comprising 25 stalls require a market licence. A single fee of £100 is charged as part of the market licence application process, which is non-refundable, regardless of the application outcome, subject to mitigating circumstances.
3. Where a community-based or charitable market with 25 stalls or above is held more than once in any calendar year, an additional cost per market may apply which will be calculated using the 'additional amount per market' formula contained in the fee structure table above.

**These fees are subject to the Councils fee review policy and will be reviewed every 12 months.**

## Appendix 4 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, i.e., 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

<b>Section 1: Identifying details</b>	
Your function, service area and team: Regulatory Services; Licensing Team	
If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: <b>NA</b>	
Title of policy or decision: EFDC Market Policy	
Officer completing the EqlA: Mandy Thompson Email: mthompson@eppingforesdtc.gov.uk	
Date of completing the assessment: 12 Nov 2021	
<b>Section 2: Policy to be analysed</b>	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice, or project? New
2.2	<p>Describe the main aims, objectives, and purpose of the policy (or decision):</p> <p>The Market Policy will contribute and support the delivery of the Councils Economic Policy: Nurturing Growth 2020-25. In particular, the purpose of this policy is to create a market trading environment that compliments the surrounding area and retail offer, is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers. It seeks to encourage and stimulate investment from local traders and to create a quality and sustainable offer to our residents and visitors.</p> <p>The Council recognises that there are many different types of market activities and accordingly, the Market Policy is intended to cater for each type. In particular, the Market Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Sections 7 &amp; 8 of the Market Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets. It also recognises the existing Charter Markets already operating in Epping, Ongar and Waltham Abbey and their protected rights</p> <p>What outcome(s) are you hoping to achieve (i.e., decommissioning or commissioning a service)?</p> <ul style="list-style-type: none"> <li>• Recognise the importance and contribution of markets to the wellbeing of the local economy;</li> <li>• Enhance the economic diversity of the area;</li> <li>• Protect and, where possible, enhance the amenity and character of the District and local communities within it;</li> <li>• Offer opportunity for local traders and businesses;</li> <li>• Provide traders with guidance and clarity;</li> <li>• Encourage residents to spend locally on their High Streets and support their local business community;</li> <li>• Ensure coherence with Council policies and relevant legislation; and</li> <li>• Promote fairness, transparency, and consistency.</li> </ul>
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 will affect all protected groups. This will include residents, visitors, and local businesses;</p> <p>Will the policy or decision influence how organisations operate?</p> <p>The policy will encourage healthy competition and entrepreneurial opportunities for traders; there should be no adverse effects on any protected groups</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>The Policy will include a fees and charges schedule for the application of a Market Licence, to be paid by the market operator, reviewed annually, and calculated on a cost recovery basis. There is unlikely to be a necessity for increased staff resources, but this will be kept under review</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 proposed Market Policy supports the Councils Economic Development Strategy 'Nurturing Growth' 2020-2025 as part of the corporate strategy to "develop shared prosperity through growing our local economy"</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, e.g., 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>As per Equality Analysis Report submission in report to Cabinet C-037-2019/20 on 26 March 2020 'Nurturing Growth – Delivering an Economic Development Plan for Epping Forest</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>There is no statutory obligation to consult. However, a full public consultation is run from 5 November to 6 December 2021 and the following consultees have been contacted directly:</p> <ul style="list-style-type: none"> <li>• The National Association of British Market Authorities (NABMA)</li> <li>• The National Market Traders Federation (NMTF)</li> <li>• Members of the Council, including Town and Parish Councils</li> <li>• Local businesses</li> <li>• Existing operators</li> <li>• Essex Police</li> <li>• Essex Fire and Rescue</li> <li>• Essex Highways</li> <li>• Essex Trading Standards</li> <li>• Epping Forest Planning Authority</li> <li>• Environmental Health</li> <li>• Relevant Council services responsible for licensing, economic regeneration, legal services, and town centre operations.</li> </ul>



	<p>The comments have been tabled in the report to Members. Several amendments have been made to the original draft Market Policy and the Fees Policy as a result of consultation responses, which in particular, are designed to reduce the administrative burden on the community-based and charitable markets. These are highlighted to Members</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: <b>N/A</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.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	<u>Neutral</u> The policy does not discriminate against nor favour any particular group but offers increased opportunity for prosperity and greater opportunities to all groups of society; both protected and not protected. This relates both to individual traders benefitting from the opportunity to trade flexibly without the usual restrictions and responsibilities, financial and otherwise associated with permanent bricks and mortar premises; and the local community and visitors who can purchase goods, often cheaper than high street shops, and providing more choice, that is accessible to all groups both	L
Disability	<u>Neutral</u> As above, in addition the policy takes account of and includes licence conditions for traders that ensures that visibly and mobility impaired residents and visitors are not negatively impacted and can enjoy full access to markets in the same way as able-bodied customers	L
Gender	<u>Neutral</u> comments as for Age	L
Gender reassignment	<u>Neutral</u> comments as for Age	L
Marriage/civil partnership	<u>Neutral</u> comments as for Age	L
Pregnancy/maternity	<u>Neutral</u> comments as for Age	L
Race	<u>Neutral</u> comments as for Age	L
Religion/belief	<u>Neutral</u> comments as for Age	L
Sexual orientation	<u>Neutral</u> comments as for Age	L

**Section 5: Conclusion**

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