

# Committee Agenda



**Epping Forest  
District Council**

## **Cabinet Monday, 13th November, 2006**

**Place:** Civic Offices, High Street, Epping  
**Room:** Council Chamber  
**Time:** 7.00 pm  
**Committee Secretary:** Gary Woodhall (Research and Democratic Services)  
Email: gwoodhall@eppingforestdc.gov.uk Tel:01992 564470

### **Members:**

Councillors Mrs D Collins (Chairman), C Whitbread (Vice-Chairman) A Green, Mrs A Grigg, J Knapman, S Metcalfe, Mrs M Sartin, D Stallan and Ms S Stavrou

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**PLEASE NOTE THE START TIME OF THE MEETING THE COUNCIL HAS AGREED REVISED PROCEDURES FOR THE OPERATION OF CABINET MEETINGS. BUSINESS NOT CONCLUDED BY 10.00 P.M. WILL, AT THE DISCRETION OF THE CHAIRMAN, STAND REFERRED TO THE NEXT MEETING OR WILL BE VOTED UPON WITHOUT DEBATE**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

**3. MINUTES**

To confirm the minutes of the meeting of the Cabinet held on 4 September 2006 (previously circulated).

**4. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 24 of the Council Procedure Rules contained in the Constitution require that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

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

**5. REPORTS OF PORTFOLIO HOLDERS**

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

**6. OVERVIEW AND SCRUTINY**

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

**7. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 17 JULY 2006 (Pages 5 - 10)**

(Chairman of the Finance and Performance Management Cabinet Committee) To consider the minutes of the meeting held on 17 July 2006 and the recommendations therein (C/069/2006-07).

**8. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 25 SEPTEMBER 2006 (Pages 11 - 18)**

(Chairman of the Finance and Performance Management Cabinet Committee) To consider the minutes of the meeting held on 25 September 2006 and the recommendations therein (C/070/2006-07).

**9. FREE SATURDAY CAR PARKING (Pages 19 - 24)**

(Civil Engineering and Maintenance Portfolio Holder) To consider the attached report (C/067/2006-07).

**10. POTENTIAL DEVELOPMENT FOR AFFORDABLE HOUSING - PIKE WAY, NORTH WEALD (Pages 25 - 28)**

(Housing Portfolio Holder) To consider the attached report (C/071/2006-07).

**11. ACCEPTANCE OF TENDER - COMMUNAL COLD-WATER STORAGE TANK REPLACEMENT PROGRAMME 2006/07 (Pages 29 - 30)**

(Housing Portfolio Holder) To consider the attached report (C/072/2006-07).

**12. SPRINGFIELDS IMPROVEMENT SCHEME - REPURCHASE OF LEASEHOLD FLAT (Pages 31 - 32)**

(Housing Portfolio Holder) To consider the attached report (C/073/2006-07).

**13. PROVISION OF SOCIAL HOUSING GRANT TO PROVIDE AFFORDABLE HOUSING - THE QUARTER, CHIPPING ONGAR (Pages 33 - 36)**

(Housing Portfolio Holder) To consider the attached report (C/074/2006-07).

**14. CONSULTATION PLAN 2006/07 (Pages 37 - 60)**

(Finance, Performance Management and Corporate Support Services Portfolio Holder) To consider the attached report (C/075/2006-07).

**15. GAMBLING ACT 2005 - ADOPTION OF STATEMENT OF PRINCIPLES AND CONSEQUENTIAL CHANGES TO THE LICENSING SYSTEM (Pages 61 - 66)**

(Environmental Protection Portfolio Holder) To consider the attached report (C/078/2006-07).

**16. INDUSTRIAL DEVELOPMENT LAND SALE - MERLIN WAY, NORTH WEALD (Pages 67 - 70)**

(Leader of the Council) To consider the attached report (C/076/2006-07).

**17. DEVELOPMENT PROPOSALS - LANGSTON ROAD INDUSTRIAL ESTATE, LOUGHTON (Pages 71 - 82)**

(Leader of the Council) To consider the attached report (C/077/2006-07).

**18. RE-USE OF PUBLIC SECTOR INFORMATION REGULATIONS AND ICT (Pages 83 - 88)**

(Customer Services, Media, Communications and ICT Portfolio Holder) To consider the attached report (C/079/2006-07).

**19. 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>
20	Leisure Management Contract – Epping Sports Centre	3

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

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her

discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

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

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

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

**20. LEISURE MANAGEMENT CONTRACT - EPPING SPORTS CENTRE (Pages 89 - 92)**

(Leisure and Young People Portfolio Holder) To consider the attached report (C/080/2006-07).

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Finance and Performance Management Cabinet Committee **Date:** Monday, 17 July 2006

**Place:** Civic Offices, High Street, Epping **Time:** 6.15 - 7.08 pm

**Members Present:** Councillors J Knapman (Chairman), Mrs A Grigg and C Whitbread

**Other Councillors:**

**Apologies:** Councillors Mrs D Collins and S Metcalfe

**Officers Present:** Peter Haywood (Joint Chief Executive), Bob Palmer (Head of Finance), Derek Macnab (Head of Leisure Services), Joe Akerman (Chief Internal Auditor), Ian Willett (Head of Research and Democratic Services) and Graham Lunnun (Democratic Services Manager)

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### 12. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Committee held on 19 June 2006 be taken as read and signed by the Chairman as a correct record.

### 13. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Conduct.

### 14. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

### 15. CORPORATE GOVERNANCE GROUP

The Committee considered the minutes of the meeting of the Corporate Governance Group held on 7 June 2006.

#### RESOLVED:

That the issues considered by the Corporate Governance Group be noted.

### 16. INTERNAL AUDIT - MONITORING REPORT - APRIL/JUNE 2006 AND WORK PROGRAMME - JULY/SEPTEMBER 2006

The Committee considered a report which summarised the work undertaken by Internal Audit between April and June 2006. The report also contained the work plan for the second quarter of the current financial year and a status report on previous audit recommendations.

Members noted that sickness in the Unit during the first quarter of 2006/07 amounted to 35 days, the vast majority of which related to the certificated long-term sickness of one member of the team. Sickness continued to be monitored and managed in accordance with the Council's Management of Absence policy.

During the quarter, audit reports had been issued in respect of the following:

- (a) Safer Communities Team Building Day (Investigation);
- (b) Stores Stocktake and Report;
- (c) Norway House;
- (d) Planning Cash Receipting;
- (e) BVPI Verification;
- (f) Car Parking Contract;
- (g) IT Procurement;
- (h) Benefit Fraud Investigation;
- (i) Establishment List;
- (j) Use of Consultants (draft report);
- (k) Cash Receipting (draft report);
- (l) Sundry Debtors (follow up);
- (m) OHMS Housing Management System (follow up).

In addition, the Audit Team had also provided support to management on a number of corporate issues and had performed a range of tasks including standing membership of Project Teams. The topic areas included the production of the Council's draft Statutory Statement on Internal Control, and Membership of the Officer Use of Resources and Value for Money Working Groups. There had also been close involvement in a range of control issues surrounding the transfer of the Waste Management Contract, including the verification of the staff TUPE list. The Unit's annual report for 2005/06 had been prepared, and a national benchmarking return had been submitted to assist in the production of comparative data about audit activity and performance across the country.

The Chief Internal Auditor advised that members had indicated that they would be looking for an improvement this year from the "satisfactory" assurance which he had given in relation to the Council's control systems in 2005/06, particularly as this assessment was a factor in the Council's annual Statement on Internal Control. The Committee noted that the main conclusions from the systems audits undertaken in the first quarter of 2006/07 indicated that systems were generally operating satisfactorily in those areas reviewed, and that no fundamental errors or control issues had been identified. However, an investigation had highlighted a number of compliance and supervisory issues, to be addressed by the service area concerned. A number of recommendations for process improvement across services had been identified, including controls over corporate debt recovery, cash handling and system reconciliations. These had been taken up with the service areas concerned.

The Chief Internal Auditor and the Head of Research and Democratic Services answered members' questions in relation to the investigation into the Safer Communities Team Building Day in September 2005. Members noted the managerial changes which had been taken by the Head of Research and Democratic Services as a result of the investigation including a request to the Head of Human Resources and Performance Management for the production of guidance in relation to the holding of Team Building events.

In relation to the investigation into the Stores Stocktake, members noted that management would be reviewing the recording system and related processes in order to identify ways of applying greater control. This would need to include a value for money judgement and progress would be reported to a future meeting of the Committee.

Attention was drawn to a schedule designed to monitor the follow-up of previous audits as an aid to ensuring timely and adequate follow-up both by Internal Audit and Service Management. Members noted that all of the recommended actions for system improvement arising from a previous investigation, and reported throughout the last financial year, had now been taken. The residual list of items reported at the last meeting, relating to the production of an annual report in respect of Section 106 Planning Agreements, and the production of a Staff Code of Conduct had both been addressed. The Section 106 report had been submitted to the District Development Control Committee in June and a draft Staff Code of Conduct was to be submitted to the next meeting of the Joint Consultative Committee.

The Committee noted the work plan for July-September 2006 and the current status of all the planned audits in the year's Audit Plan.

The Committee considered the Unit's performance in relation to the local performance indicator targets for 2006/07. Members noted that the target cost per audit day for the first quarter had not been met, partly due to the effect of having half a post vacant, which affected the recovery of fixed overheads. The Chief Internal Auditor advised that it was proposed to increase this unit cost target to £285.00 for 2006/07, to reflect the impact of overhead recovery, of the reduction in half a post, agreed during the latter stages of the 2006/07 budget process.

The Committee noted training undertaken by members of the Unit during the first quarter of the current financial year.

**RECOMMENDED:**

- (1) That the reports issued and significant findings between April and May 2006 be noted;
- (2) That the audit follow-up status report be noted;
- (3) That the work plan for July to September 2006 be noted;
- (4) That the 2006/07 audit plan status report be noted; and
- (5) That the action taken by officers in relation to the investigation be supported.

**17. RISK MANAGEMENT - STRATEGY AND POLICY**

The Committee considered a Risk Management Strategy and Policy Statement identifying corporate and operational risks; assessing the risks for likelihood and impact; identifying mitigating control; and allocating responsibility for the mitigating controls. Members were advised that a draft of the Policy Statement had been presented to the Council's Risk Management Group and the feedback from this Group and advice given by Zurich Municipal, the Council's insurers and providers of risk management training, had contributed to the Policy Statement before members. Zurich Municipal and AON (the Council's Insurance Brokers) had also contributed to the Risk Management Strategy.

The Committee also received the terms of reference of the Risk Management Group.

**RECOMMENDED:**

- (1) That the Risk Management Strategy and Policy Statement be adopted; and
- (2) That the terms of reference of the Risk Management Group be noted.

**18. RISK MANAGEMENT - CORPORATE ACTION PLANS**

The Head of Finance reported that the Cabinet at its meeting on 7 June 2006 had resolved that the Corporate Risk Register produced by Zurich Municipal be adopted. The Cabinet had also resolved that Action Plans be submitted to this Committee for approval and that twice a year the Corporate Risk Register be submitted to the Committee for review.

The Committee noted the process undertaken to produce Action Plans. The Head of Finance reported that the Action Plans set out for each risk:

- (a) details of existing controls/actions to address risk;
- (b) assessment of the effectiveness of the controls/actions;
- (c) the required further management action;
- (d) who was responsible for the actions;
- (e) what the critical success factors and measures were; and
- (f) the frequency of review and any key dates.

The Committee noted that in addition to the reporting requirements already agreed by members, the officer Corporate Governance Group had suggested the need for Action Plans to be kept up-to-date through more regular reviews. Consequently, once the Action Plans had been approved it was proposed that they would be discussed on a monthly basis at Senior Management Team and Management Board would have a standing item on their weekly agenda for Risk Management.

Members noted that the first six monthly update of the Corporate Risk Register would be presented to the next meeting of the Committee on 25 September 2006 and that at that meeting members would be asked to confirm a re-prioritisation of the risks which would include any new risks that had been identified.



The Committee requested that steps be taken to provide members with a more regular input into the process.

**RESOLVED:**

- (1) That the Action Plans to accompany the Corporate Risk Register be noted; and
- (2) That officers report to a future meeting of this Committee on proposals for increased involvement of members in the process.

**CHAIRMAN**

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Finance and Performance Management Cabinet Committee	<b>Date:</b>	Monday, 25 September 2006
<b>Place:</b>	Civic Offices, High Street, Epping	<b>Time:</b>	6.00 - 8.15 pm
<b>Members Present:</b>	Councillors J Knapman (Chairman), S Metcalfe and C Whitbread		
<b>Other Councillors:</b>	Councillor D Jacobs		
<b>Apologies:</b>	Councillor Mrs D Collins		
<b>Officers Present:</b>	P Haywood (Joint Chief Executive), R Palmer (Head of Finance), J Gilbert (Head of Environmental Services), J Akerman (Chief Internal Auditor), P Maddock (Assistant Head of Finance), G Lunnun (Democratic Services Manager).		
<b>Also Present:</b>	P King and L Wishart (Audit Commission)(for minutes 19-23 inc.)		

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### 19. MINUTES

#### RESOLVED:

That the minutes of the meetings of the Committee held on 11 January 2006 and 17 July 2006 be taken as read and signed by the Chairman as a correct record.

### 20. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Conduct.

### 21. MANAGEMENT REPRESENTATION LETTER

The Head of Finance reported that for several years the Audit Commission had required a management representation letter as part of the evidence gathered to support their Audit opinion. The 2005/06 Statement of Accounts had been audited in accordance with the new International Standards on Auditing which required that the committee charged with governance should formally acknowledge the management representation letter.

The Committee considered an explanation of the Audit Commission's requirements together with a draft management representation letter which had been based on a standard draft supplied by the Audit Commission.

#### RESOLVED:

That the draft management representation letter be approved and the Head of Finance be authorised to sign and submit the letter to the Audit Commission on behalf of the Council.

**22. AUDIT OF ACCOUNTS - INTERNATIONAL STANDARDS ON AUDITING**

P King reported that he was required by the Audit Commission's Statutory Code of Audit Practice for Local Government bodies to issue a report to those charged with governance summarising the conclusions of his audit work. He was also required by professional auditing standards to report on certain matters before he was able to give an opinion on the financial statements.

The Committee noted that the principal purposes of the report were:

- (a) to reach a mutual understanding of the scope of the audit and the respective responsibilities of the Auditor and the Committee;
- (b) to share information to assist both the Auditor and those charged with governance to fulfil their respective responsibilities; and
- (c) to provide the Committee with recommendations for improvement arising from the audit process.

P King reported that work on the financial statements was substantially complete although there were still some outstanding issues to be resolved. In particular, work on the Pension Fund had yet to be concluded. He advised that should any further matters arise in concluding the outstanding work that required reporting he would raise them with the Chairman of this Committee. Members noted that the standard of the draft accounts and supporting working papers were a significant improvement on the previous year. P King advised that, subject to the satisfactory conclusion on the outstanding work, he anticipated being able to issue an unqualified opinion by 30 September 2006.

P King reported that in order to assist the Committee in fulfilling its governance responsibilities, he was required to report adjusted misstatements where these were material. He pointed out a material misstatement that management had adjusted in relation to the Pension Fund. The omission of the March Pension Fund gain from the actuarial valuation of the fund had moved the position from an actuarial loss for the year of £1,121,000 to an actuarial gain for the year of £1,215,000. This had reduced the pension liability on the balance sheet and the negative pension reserve from £37,389,000 to £35,053,000 with corresponding amendments to the relevant notes to the balance sheet. He advised that the initial figures had been provided by Essex County Council based on the actuarial valuation supplied by the County Council's actuary. The District Council had been notified of the error by the County Council at the beginning of September 2006. P King advised that a common statement about this issue was being included in reports on other Essex Districts and he did not intend to penalise the District Council but his work was subject to an internal check by the Audit Commission which could result in a different finding. He emphasised that he felt this would be unlikely as it would be unfair to penalise District Councils for the County Council's error. Members discussed the issue and noted that the District Council did not have the expertise which would have enabled them to identify this error.

P King reported that work on the Authority's arrangements to secure economy, efficiency and effectiveness in its use of resources was now complete and he anticipated being able to issue a qualified conclusion on the use of resources by 30 September 2006. He explained that the opinion would be qualified because the arrangements in place to manage the Council's significant business risks during 2005/06 and the arrangements to manage and improve value for money at that time had been assessed as not meeting the relevant criteria. The processes put in place

by the Council after 31 March 2006 could not be counted as evidence. Members noted that there were ten other aspects in relation to use of resources which were satisfactory.

P King expressed his appreciation for the Council's assistance and co-operation during the audit.

**RECOMMENDED:**

- (1) That the report be noted; and
- (2) That the recommendations and action plan regarding maintenance of the improvements to the arrangements for risk management and value for money be agreed.

**23. AUDIT AND GOVERNANCE COMMITTEE - PROPOSED ESTABLISHMENT**

The Committee considered a report regarding the establishment of an Audit and Governance Committee. Members noted that CIPFA had, in recent years, emphasised the importance of audit committees as a key source of assurance regarding an authority's arrangements for managing risk, maintaining an effective control environment and reporting on financial and other performance. Some of the benefits to be gained from operating an effective audit committee included:

- (a) raising greater awareness of the need for internal control and the implementation of audit recommendations;
- (b) increasing public confidence in the objectivity and fairness of financial and non-financial reporting;
- (c) reinforcing the importance and independence of internal and external audit and any other similar review processes (for example, providing a view on the statement of accounts and statement on internal control); and
- (d) providing assurance through a process of independent and objective review.

The Chief Internal Auditor reported that the Council had been assessed at level 2 in accordance with the Audit Commission's Use of Resources Assessment model. To move to level 3 it would be necessary to demonstrate that the Council had an audit committee that provided a challenge to the executive when required and provided for effective leadership on governance, financial reporting and audit issues. In order to perform this role the audit committee would need to operate independently from the executive.

The Committee gave initial consideration to the possible terms of reference, size and proportionality requirements of an audit committee. Members emphasised the need for the proposed committee to be made up of members with sufficient skills and suggested that there would be benefit in considering the appointment of one or more co-opted members. Members also recognised that careful consideration would need to be given to the terms of reference of the proposed committee, this Cabinet Committee and the Standards Committee in order to avoid undue duplication. Members suggested that the Chairman of this Cabinet Committee should be expected to attend all meetings of the proposed committee in a non-voting capacity.

**RESOLVED:**

- (1) That the establishment of an Audit and Governance Committee be agreed, in principle;
- (2) That consultation be undertaken with Overview and Scrutiny through the Constitution and Member Services Scrutiny Standing Panel; and
- (3) That further consideration be given to the establishment of an Audit and Governance Committee at a future meeting taking account of the views of the Constitution and Member Services Scrutiny Standing Panel.

**24. BUSINESS AND INTERNAL CONTROL ASSURANCE FRAMEWORK**

The Committee considered a report proposing the adoption of the Council's draft Business and Internal Control Assurance Framework.

The Chief Internal Auditor reported that the Council was seeking continued improvement in the Council's governance arrangements and that to achieve as higher rating as possible under the CPA arrangements, it was necessary to put in place an assurance framework that mapped the Council's strategic objectives to risks, controls and assurances as a supporting document to the Statutory Statement on Internal Control. Members noted that the Council already had effective processes dealing with the various elements of the control framework and the main purpose of the assurance framework document was to bring these elements together.

**RECOMMENDED:**

That the Council's draft Business and Internal Control Assurance Framework be adopted.

**25. CAPITAL STRATEGY - 2006-2011**

The Committee considered a draft Capital Strategy for 2006-2011.

Members noted that it was no longer necessary for the Council to submit the Capital Strategy to the Government Office for assessment but that there was an expectation that the strategy would continue to be produced and updated. Whilst there was no requirement to update the strategy annually, it was felt important to do so in order to ensure that it was kept up to date. A good capital strategy enabled the Council to make sound strategic decisions in relation to its use of capital resources and formed an important part of the Council's performance management and financial planning frameworks.

The Head of Finance reported that no major changes were proposed to the format or text of the Capital Strategy. He advised that the strategy had been updated with current schemes and expenditure forecasts as contained within the latest Capital Programme approved by the Cabinet on 4 September 2006. He drew attention to changes which had taken place since that time and to two reports which had been prepared for the Cabinet in October 2006 requesting supplementary capital estimates.

**RECOMMENDED:**

- (1) That the draft Capital Strategy 2006-2011 be approved and recommended to the Council for adoption including:

- (a) an additional estimate of £35,000 in 2007/08 for the purchase of a replacement plate maker for the Reprographics Section; and
- (b) an additional estimate of £143,000 (from 2007/08 to 2010/11) for works to be carried out at the Civic Offices;
- (2) That no funding for Phases 3 and 4 of the Loughton High Road Town Centre Enhancement be included at this time and that some of the funding for the Customer Services Transformation Programme be deferred in the Strategy but these schemes be subject to ongoing review;
- (3) That no change be made to the Council's key capital priorities ranked in the order approved in November 2005;
- (4) That as no schemes have been brought forward and no savings have been identified from elsewhere in order to fund the additional £500,000 contribution to affordable housing approved by the Cabinet in 2006, that contribution be excluded from the Strategy; and
- (5) That the Strategy be subject to continuous review and that in relation to any schemes where there is not a contractual commitment, officers consider whether those schemes should continue to go forward and/or whether start dates should be revised and that reports be made to members on any proposed changes.

**26. BUDGET 2007/08 - FINANCIAL ISSUES PAPER**

The Committee considered a report regarding a framework for the budget 2007/08 including a number of issues that would affect the Council in the short to medium term.

Members were advised that the following matters represented the greatest areas of current financial uncertainty and risk to the authority:

- (a) changes to the waste service and higher recycling targets;
- (b) capitalisation of pension deficit payments;
- (c) Customer Services Transformation Programme;
- (d) changes to the strategy Concessionary Fares scheme;
- (e) future local government finance settlements;
- (f) restriction on future Council Tax increases;
- (g) ongoing difficulties with recruitment and retention; and
- (h) generation of future capital receipts.

Members received an updated four year forecast for the General Fund, based on adjusting the balances for the 2005/06 underspend, analysing information gained from the recent outturn figures and adjusting future years accordingly. The predicted balance at 1 April 2007 of £5.328m represented just over 32% of the anticipated net budget requirement and was therefore somewhat higher than the Council's current

policy of 25%. However, the additional costs that were likely to be incurred on the refuse and street cleansing contract would result in the predicted balance being reduced to £2.65m by 1 April 2009. This would represent only 15% of the net budget requirement for 2009/10.

The Head of Finance reported that the deterioration in the financial position indicated a need for savings to be identified or the Council Tax to be increased above current target levels during the next four years.

In relation to CSB expenditure, members were reminded that the Council's policy was not to rely on the use of balances to provide support, with CSB expenditure being financed only from Government grant and Council Tax income. This meant that effectively the level of Council Tax would dictate the net expenditure on CSB or the CSB would dictate the level of Council Tax. As members had previously indicated that future Council Tax increases should be at or below the increase in the Retail Price Index, assumed to be 2.5% for the near future, it was clear that the former would be the determinate. Although the original budget for 2006/07 had achieved that objective, with funding from Government grants and local taxpayers exceeding CSB by £540,000, the revised estimate for this year now showed the CSB total at £16.78m, which exceeded funding by £0.98m. This revision was primarily based on the increased level of costs for the Waste Management and Street Cleansing Contract and showed that there was a need for CSB net expenditure to be reduced or tax increases to be raised.

Members noted that a decision was still awaited from central Government on the Council's application for a capitalisation direction in relation to the funding requirements for the Pension Fund in 2006/07. It was also proposed to submit an application for 2007/08 and it was possible that a direction might not be obtained for either or both years. If this were to be the case it would be necessary to seek substantial savings elsewhere or to increase significantly the Council Tax. Members noted that the risk of a direction not being granted had increased following the issue of amended guidance from the Department for Communities and Local Government (DCLG). Members further noted that the DCLG would not be informing authorities about their applications for 2006/07 until 31 January 2007.

The Head of Finance advised that the revised four year forecast included all supplementary estimates that had been approved by the Council to date. He cautioned that the Customer Services Transformation Programme had gained support in principle from the Cabinet on 10 July 2006 but that the necessary financial provision had not yet gained Council approval.

The Committee noted the uncertainties about the cost of the Concessionary Fares Scheme in 2006/07 and 2007/08. In addition the scheme would in any event cost more from 1 April 2008 when concessionary fares would not be restricted to scheme boundaries.

The Committee noted that estimated DDF expenditure over the period to 2009/10 would consume all remaining balances and transfers from the General Fund balance would be necessary to fund DDF items. The four-year forecast approved by the Council on 21 February 2006 had predicted a DDF balance of £1m at the end of 2009/10. However, DDF supplementary estimates of £995,000 had been approved to date in 2006/07. Members were advised that given the limited funding available from the DDF, only high priority projects should be funded from it and that further requests could not be supported unless additional funds were made available.



**RECOMMENDED:**

- (1) That the 2007/08 budget guidelines be as follows:
  - (a) the ceiling for CSB net expenditure be no more than £17m including net growth;
  - (b) that as part of the budget setting process all items included within the DDF be reviewed;
  - (c) that balances continue to be aligned to the Council's net budget requirement and that balances be allowed to fall no lower than 25% of the net budget requirement;
  - (d) the District Council Tax to be increased by no more than the rate of increase in the Retail Price Index;
- (2) That a revised medium term financial strategy for the period 2009/10 be developed in accordance with (1) above; and
- (3) That communication of the revised medium term financial strategy to staff, partners and other stakeholders be undertaken by way of publishing key bullet points in appropriate publications.

**27. RISK MANAGEMENT**

The Committee considered an update to the Corporate Risk Register and the action plans.

**RESOLVED:**

That the proposed amendments be agreed.

**28. VALUE FOR MONEY SELF ASSESSMENT 2006**

The Committee was advised that as part of the Audit Commission's annual evaluation of the Council's use of resources, the Authority was required to complete a value for money self assessment for submission to the Commission before the end of September 2006. A draft self-assessment was tabled at the meeting.

**RESOLVED:**

- (1) That the Council's draft self-assessment in respect of the annual Value for Money exercise be endorsed for immediate submission to the Audit Commission; and
- (2) That the draft Value for Money self-assessment be referred to the Cabinet at its next meeting for formal adoption and that any views expressed by members be passed to the Audit Commission.

**CHAIRMAN**

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## **Report to the Cabinet**

**Report reference: C/067/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Civil Engineering & Maintenance.**

**Subject: Free Saturday Car Parking.**

**Officer contact for further information: John Gilbert (01992 – 56 4062).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

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

- (1) To retain car parking charges in the Council's short stay car parks but provide free car parking on Saturdays in the Council's long stay and combined car parks as set out in paragraph 11 of the report;**
- (2) To make any necessary changes to the existing traffic regulation orders; and**
- (3) To note the revenue consequences of approximately £75,150 (CSB) per annum and the one off cost of £10,000 (DDF) for signage and traffic regulation orders.**

The Task and Finish Panel looking at Town Centres & Parking have considered this report and the views of that Panel and Overview and Scrutiny Committee will be reported at the meeting.

### **Report:**

1. One of the new Administration's 6 "Key Messages" is the provision of free car parking on Saturdays as a way of providing further support to the District's town centres. Free parking is already provided on Saturdays throughout the District during December each year as part of supporting the Christmas trading period.

2. There are a number of factors that need to be considered in determining the most appropriate strategy for the provision of free parking:

(a) should all car parks be free, given that those owned by Sainsbury's but managed by the Council will have to be excluded?

(b) should the free parking allow for an unlimited stay during Saturday or should there be a maximum period of free parking? And

(c) what are the costs through lost income and the processes involved in change?

3. The Council manages 22 car parks, 20 of which it also owns. The short stay car parks at Sainsbury's in Loughton and Ongar are owned by Sainsbury's but are managed by the Council. Sainsbury's retain the income generated, but the Council levies a 10% management fee and retains all penalty charge notice (PCN) income. Sainsbury's operate a refund of up to 2 hours parking if customers spend beyond a certain amount in the store, thereby making the car parking free for the majority of shoppers. There are a number of privately owned and operated car parks which the public can use, notably those associated with Waitrose at Buckhurst Hill, Tesco at Waltham Abbey and Epping, and Marks and

Spencer in Loughton.

4. The Council's car parks are categorised as:

- short stay;
- long stay; and
- combined (have both short & long stay tariffs).

Short stay car parks are intended, as the name suggests, for short visits and tariffs are set accordingly to discourage long term usage. Conversely, long stay tariffs are set to encourage long usage although a 2 hour stay can be had in both types for the same tariff (£1.20). Combined car parks utilise the short stay tariff for stays up to 2 hours and the long stay tariff thereafter. This enables better car park utilisation of otherwise less used car parks.

The Appendix sets out the car parks, the number of spaces and the category.

5. There is already some free car parking within the District, at the Broadway (Burton Road and Vere Road), in Roydon and at Quaker Lane in Waltham Abbey, where there are 24 free spaces operating with a 2 hour no return within 3 limitation. There are no limits in Roydon or at The Broadway although the town centre enhancement proposals will bring into place a time limited pay and display regime. There are also free car parks associated with supermarkets and village halls etc.

#### **Income On Saturdays:**

6. Officers have undertaken a detailed study of income generated on Saturdays. The analysis shows that approximately £2,900 of income is generated from all car parks (excluding both Sainsbury's) on a Saturday. Allowing for the fact that Saturdays in December are already free this amounts to approximately £140,000 per annum. Of this approximately 60% (£84,000) is generated in the short stay car parks and 40% (£56,000) in the long stay/combined car parks. Further income is generated from PCNs which approximates to £43,500 per annum. This can be broken down into 56% short stay (£24,350) and 44% long stay/combined (£19,150).

7. The Saturday income from the Council's only on-street pay and display regime in Queens Road Buckhurst Hill generates around £12,000 per annum based on 18 pay and display machines. This equates to approximately £670 per machine per annum. Whilst direct comparisons are difficult, the presently agreed proposals for The Broadway and Loughton High Road include the provision of on-street pay and display regimes, and the installation of 14 machines. Using the figures from Queens Road, this would generate an additional £9,400 in income. The income from PCNs at Buckhurst Hill is approximately £6,000 per annum or £330 per machine. Taking this forward to The Broadway and Loughton High Road would realise PCN income of approximately £4,600 per annum. It should be noted that the on-street income is ring fenced to meet initially the County Council set up costs of decriminalisation and then by law to parking or related environmental matters.

8. The above can be summarised as follows:

	<b>Short stay</b>	<b>Long stay &amp; combined</b>	<b>Total</b>
<b>Off street P &amp; D</b>	84,000	56,000	<b>140,000</b>
<b>Off street PCN</b>	24,350	19,150	<b>43,500</b>
<b>On street P &amp; D</b>	12,000	N/A	<b>12,000</b>
<b>On street PCN</b>	6,000	N/A	<b>6,000</b>
<b>Future on street P &amp; D</b>	9,400	N/A	
<b>Future on street PCN</b>	4,600	N/A	
<b>Total</b>	<b>140,350</b>	<b>75,150</b>	<b>215,500</b>

### **Enforcement Regime:**

9. It is important to determine whether the car parks are to be free all day for all to use or whether the free period is, as at Quaker Lane, to be time limited. The free spaces at Quaker Lane operate all through the week and therefore the time limit is imposed to prevent their use by commuters or local employees. This may not be considered necessary on a Saturday, although in towns with LUL Stations it is likely that free car parking all day will result in some long stay use by those not intending to shop locally. However, current data indicates that the level of income from those staying more than 2 hours is very limited and this income would probably be outweighed by the costs of a more complicated enforcement regime. A free Saturday regime would also be much simpler for the users to understand.

### **Possible Saturday Regime:**

10. Given that two of the larger short stay car parks are in the ownership of Sainsbury's and therefore cannot be included in a free regime and the fact that those shop based car parks under private management are required to operate as short stay car parks using a tariff broadly similar to the Councils, it is suggested that only the long stay and combined car parks should be free all day on Saturdays.

11. This approach would provide free parking in all town centres as follows:

<b>Town centre</b>	<b>Location</b>
(i) Loughton	Traps Hill (197 spaces) and Smarts Lane (22 spaces)
(ii) Buckhurst Hill	Queens Road (lower) (100 spaces)
(iii) Waltham Abbey	Cornmill (197 spaces), Darby Drive (66 spaces) and Quaker Lane (24 spaces)
(iv) Epping	Bakers Lane (145 spaces)
(v) Ongar	The Pleasance (81 spaces)
(vi) The Broadway	To be decided as part of TCE arrangements (see later report)

This regime would provide a significant amount of free parking at an approximate cost of £71,150 per annum, compared to £215,500 if free parking were to be provided all day in all of the Council's car parks and on street locations. There will be additional costs associated with new signage and amendments to TROs estimated at not more than £10,000

### **Statement In Support Of Recommended Action:**

12. The recommended regime provides more than 800 free parking spaces in the town centres. This should facilitate local shopping and support the town centre economies. It also limits the loss of revenue to the Council's general fund budget although no account has been taken of the 'knock-on' effects of the reduced use of the short stay car parks and on-street pay and display bays where the standard short stay tariffs would remain.

### **Other Options For Action:**

13. The other options are essentially those set out the report, each of which provides additional degrees of free parking but also with an increased revenue loss to the Council.

### **Consultation Undertaken:**

14. None.

### **Resource implications:**

**Budget Provision:** £10,000 (DDF) for amendments to the traffic order and new signage.

£71,500 (CSB) loss of income to the general fund.

**Personnel:** Nil.

**Land:** Nil.

**Community Plan/BVPP Reference:** Supporting the local economy.

**Relevant Statutory Powers:** Road Traffic Acts and associated regulations.

**Background Papers:** N/A.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** N/A.

**Key Decision Reference (if required):** N/A.



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## **Report to the Cabinet**

**Report reference: C/071/2006-07.**

**Date of meeting: 9 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Housing.**

**Subject: Potential Development for Affordable Housing – Pike Way, North Weald.**

**Officer contact for further information: Alan Hall (01992 – 564004).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

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### **Recommendation:**

**That the Council-owned land adjacent to 2 Pike Way, North Weald, held under Housing Act powers, not be developed in conjunction with 2 Pike Way to provide 100% affordable housing.**

### **Background**

1. The Housing Needs Survey undertaken in 2003 assessed that 665 new affordable properties were required per annum over the following five years to meet both the current and anticipated housing need over that period. However, in the three year period 2003/4 – 2005/6, only 197 new affordable homes were completed (average of 65 homes per annum); only 25 new affordable homes will be completed in the current year. As a result, there are now around 3,870 applicants on the Council's Housing Register seeking affordable housing – an increase of over 160% from the 1,480 applicants registered in March 2002. The Head of Housing Services has therefore been exploring all possibilities to secure more affordable housing within the District, using the very limited land available for new housing.

2. The Council owns around 0.17Ha of land adjacent to 2 Pike Way, North Weald, held under Housing Act powers, which is currently grassed and provides an amenity area to the entrance of Pike Way. The Council sought planning permission to develop the land to provide three houses in 1982, which was refused. Subsequent discussions in 2000 with the Head of Planning and Economic Development re-affirmed that planning permission for the development of the Council's land alone would be unlikely, due to the overlooking of 2 Pike Way. A plan of the site is attached.

3. Discussions have recently been held between the Head of Housing Services, Home Housing Association (one of the Council's Preferred RSL Partners - formerly known as Warden Housing) and the owners of 2 Pike Way on the possibility of developing an affordable housing scheme on a combined site comprising 2 Pike Way (currently a detached house) and the Council's land. Home Housing was identified as the most appropriate housing association to take this proposal forward, in accordance with the Council's Joint Commissioning Scheme. This was because they have recently developed, and now own and manage, a number of affordable homes in Pike Way and adjacent Park Close.

### **Development Potential:**

4. A feasibility exercise has established that, in principle, Home could purchase 2 Pike Way at market value and redevelop the combined site to provide around 24 (100%) affordable flats. However, this is subject to planning permission and, in accordance with its usual practice, the Council providing the land to Home free, in return for nominations rights.

5. Initial discussions with planning officers has established that, in planning terms, a

development of 20-25 flats may be feasible, although detailed consideration would need to be given by planning officers on the number of properties that would be acceptable, if the proposal was pursued.

6. Based on a development of 24 flats, Home has undertaken two financial analyses – one assuming the receipt of social housing grant (£580,000) from the Housing Corporation and one assuming no receipt of grant. This has established that the following mix of affordable housing could be provided:

- (a) Housing Corporation Grant:
  - 11 rented homes; and
  - 13 shared ownership homes (low cost home ownership); or
- (b) No Housing Corporation Grant:
  - 24 shared ownership homes.

#### **The Housing Portfolio Holder's View:**

7. The Housing Portfolio Holder has the advantage of also being one of the two ward members for North Weald. He has carefully considered the proposal, in particular the potential benefit of increasing the amount of affordable housing in the District. However, he has balanced this with the environmental impact of the proposal and, as a result, has concluded that the development of the Council's land at this location would be inappropriate as it would remove an attractive grassed amenity area at the entrance to Pike Way and Park Close

8. Accordingly, the Housing Portfolio Holder is recommending that the development potential is not pursued any further.

#### **Statement in support of recommended action:**

9. As set out in Paragraph 7 above.

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

10. The main options are as follows:

**(a) Pursue the development potential** - It would need to agree to lease the land to Home Housing (or another RSL) for 125 years (or another period) at a peppercorn rent, subject to: Home Housing Association purchasing 2 Pike Way; the Council receiving 100% nominations rights initially and 75% for subsequent re-lets; receipt of planning permission; and compliance with the General Housing Consents 2005 under Section 25 of the Local Government Act 1988 (Local Authority Assistance for Privately Let Housing). The covenant prohibiting the use of 2 Pike Way other than as a private dwelling house for single family occupation would need to be released and consent would need to be given to the erection of additional buildings on the site, in accordance with another covenant. It would also be necessary to authorise the Head of Housing Services to agree the final number and tenure of the affordable housing provided on the combined development site, dependent on the outcome of the planning process and whether social housing grant can be obtained from the Housing Corporation.

**(b) Pursue a less dense affordable housing scheme (perhaps houses) with less affordable housing** – However, to make it viable, the amount of affordable housing would be significantly less than if around 24 flats were provided.

**(c) Sell the land on the open market** - The purchaser could then work with the owners of 2 Pike Way to undertake a joint private development on the site, perhaps with a lower density, without any affordable housing. Although the Council would receive a capital receipt, under capital financial regulations, this would have to be used for affordable housing

purposes, or 50% would have to be passed to the Government under the pooling arrangements.

**Consultation undertaken:**

11. In accordance with the clarification of responsibilities for major/property development proposals affecting the Council's property portfolios agreed at the last meeting of the Cabinet, since this is an issue affecting the Council's property portfolio valued below £1 million, the Leader of the Council has been consulted on whether she wishes to be involved or take responsibility for dealing with the matter. She has confirmed that she is happy for the Housing Portfolio Holder to take responsibility.

12. Councillor Mrs Grigg, the other ward member, has not been formally consulted on this proposal. This is because, had the Portfolio Holder concluded - and the Cabinet agreed - that the development should be pursued, this could fetter her discretion to comment on the development at any future Area Plans Sub-Committee meeting.

13. The owners of 2 Pike Way have been consulted by Home and, subject to acceptable terms being agreed with Home, they are agreeable to the proposal.

**Resource implications:**

**Budget Provision:** Nil.

**Personnel:** Nil

**Land:** Lease of 0.17Ha of Council land free, in return for nomination rights. The open market valuation of the Council's land has been estimated at £320,000.

**Community Plan/BVPP:** Meeting Housing Need

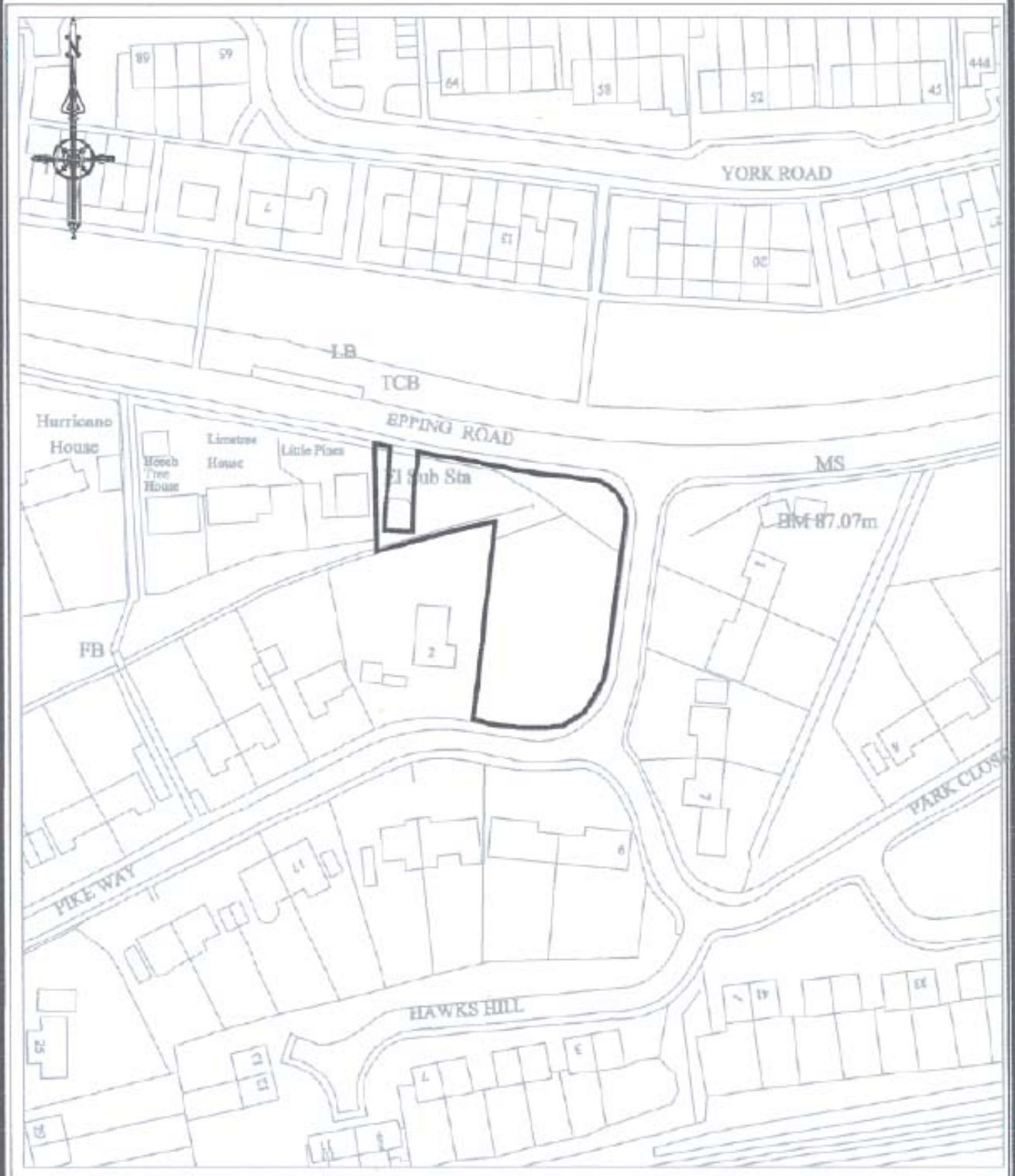
**Relevant statutory powers:** Housing Act 1985

**Background papers:** Nil

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** Loss of grassed amenity area.

**Key Decision Reference (if required):** N/A.

# EPPING FOREST DISTRICT COUNCIL



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<b>John Gilbert M.C.I.E.H. M.R.S.H.</b> Head of Environmental Services Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992 564000		Project  Content  <b>Pike Way North Weald</b>	Name <b>S.Isgar</b> Project No.  Drawing No.
Date <b>5.10.06</b>	Scale <b>1:1250</b>		

## Report to the Cabinet



**Epping Forest  
District Council**

**Report reference: C/072/2006-07.**

**Date of meeting: 13 November 2006.**

**Portfolio: Housing.**

**Subject: Acceptance of Tender – Communal Cold-Water Storage Tank Replacement Programme 2006/07.**

**Officer contact for further information: Haydn Thorpe (01992 – 56 4162).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

### Recommendations:

(1) That, being the lowest tender received, Homesales Construction Ltd be awarded the Communal Cold-Water Storage Tank Replacement Contract for 2006/07, at various addresses in Loughton and Woodford Bridge in the sum of £101,088,; and

(2) That, in order to fund the shortfall in the existing Capital Programme, £28,000 be made available from the £311,000 savings reported to the Cabinet at its meeting in September resulting from the Wickfields stock transfer.

### Report:

1. The existing communal cold-water storage tanks to 17 Council-owned low to medium-rise blocks of flats are in poor condition, and have been identified from a water tank condition survey as being in need of replacing.

2. Five tenders were sought from contractors included on Constructionline, who are able to carry out this type of work.

3. The Housing Portfolio Holder opened the tenders on the 2 October 2006. The results were recorded as follows:

	<b>Contractor</b>	<b>Tender Sum £</b>
1	Homesales Construction Ltd	101,088.00
2	Essex Heating and Electrical Services Ltd	112,874.00
3	Gracelands (Complete Maintenance Services) Ltd	113,236.00
4	T A Horn Ltd	124,750.00
5	R W Edwards Ltd	131,390.00

4. A tender analysis has been undertaken which shows all the tenders have been completed in full, although the tenders submitted by Homesales Construction Ltd and R W Edwards contained minor arithmetically errors. The lowest tender was submitted by Homesales Construction Ltd and contained an 8-pence error, which is not considered significant.

5. The tender submitted by Homesales Construction Ltd, in the sum of £101,088, is a fully compliant bid. However, the tender is above the existing budget within the Capital Programme of £73,000, due to the scope of works for these blocks are such that the tanks are much larger than in previous contracts and the existing tanks that are to be removed contain asbestos. Therefore, in order to meet the shortfall, it is recommended that £28,000

be made available from the £311,000 savings reported to the Cabinet at its meeting in September arising from the Wickfields stock transfer.

**Statement In Support Of Recommended Action:**

6. The existing communal cold-water storage tanks to various Council properties have been identified as in need of immediate replacement due to their age and condition.

**Other Options For Action:**

7. Not to undertake the works. However, this would result in further deterioration of the cold-water storage tank, which could lead to its eventual failure, and cause significant flooding and damage to the flats within the blocks.

**Consultation Undertaken:**

8. Leaseholders in line with the Commonhold and Leasehold Reform Act 2000 legislation.

**Resource Implications:**

**Budget Provision:** £73,000.00 from the communal water-tank renewals in the Capital Programme and £28,000 made available from the £311,000 savings reported to the Cabinet at its meeting in September from the Wickfields stock transfer.

**Personnel:** Nil.

**Land:** Nil.

**Community Plan/BVPP Ref:** Nil.

**Relevant statutory powers:** Decent Homes Standards.

**Background papers:** Tenders analysis communal water-tank programme 2006-07.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** Nil.

**Key Decision Reference (if required):** N/A.

## **Report to the Cabinet**

**Report reference: C/073/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Housing.**

**Subject: Springfields Improvement Scheme – Repurchase of Leasehold Flat.**

**Officer contact for further information: Paul Pledger (01992 – 56 4248).**

**Committee Secretary: Gary Woodhall (01992 – 56 4470).**

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### **Recommendations:**

- (1) That, in order to facilitate the Springfields Improvement Scheme, a further leasehold flat at 36 Springfields, Waltham Abbey be repurchased; and**
- (2) That, in order to fund the repurchase, a further £88,000 be made available from the £310,000 savings reported to the Cabinet at its meeting in September from the Wickfields stock transfer within the HRA Capital Programme.**

### **Report:**

1. At its meeting on 6 February 2006, the Cabinet agreed to repurchase the leasehold flats at Springfields, Waltham Abbey, subject to an independent valuation by the Valuation Office. This was because for certain improvements, it will be necessary to vary the leases to take account of any changes that may occur as a result of the improvements. This means obtaining consent from each leaseholder and any other interested party, such as their mortgage lender, which from past experience has proven to be particularly time consuming and requires a lot of negotiation.

2. Following individual discussions with leaseholders, agreements were reached with 7 out of the 9 leaseholders - at the time of the Cabinet meeting on 4 September 2006 - to be bought back by the Council at a cost of £596,000. The original budget for repurchasing was increased by the Cabinet to facilitate this number of repurchases.

3. Since then, a further leaseholder at 36 Springfields has come forward and expressed an interest in the Council buying back his leasehold property. This means 8 out of the 9 leaseholders have now expressed an interest in selling their property back to the Council with the remaining leaseholder quite willing to contribute towards his share of the cost of the works as determined by the lease.

4. In order to fund the repurchase, it is recommended that a further £88,000 [*subject to the valuation office confirming the value*] be made available from the savings resulting from the Wickfields stock transfer, to supplement the £596,000 already in the budget.

### **Statement In Support Of Recommended Action:**

5. By buying back these leases, it removes the risk of the leaseholders not agreeing to the range of works proposed for Springfields as the leaseholders are under no obligation to agree a variation to the lease. Other advantages include:

- The time it would take to buy back the properties would be far less than if the Council had to negotiate over variations to the lease; and

- The property could be let to people on the housing waiting list.

**Other Options For Action:**

6. Not to buy back this property. However, this could lead to delays to the improvement scheme as a result of negotiations with the leaseholder over a variation to the lease.

**Consultation Undertaken:**

7. One to one consultation with the leaseholder.

**Resource implications:**

**Budget Provision:** £88,000 [*Subject to confirmation from the Valuation Office*] from the £310,000 savings reported to the Cabinet at its meeting on 4 September 2006 from the Wickfields stock transfer.

**Personnel:** Nil.

**Land:** Nil.

**Community Plan/BVPP Ref:** Nil.

**Relevant Statutory Powers:** None.

**Background Papers:** None.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision Reference (if required):** N/A.



## **Report to the Cabinet**

**Report reference: C/074/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Housing.**

**Subject: Provision of Social Housing Grant to Provide Affordable Housing - The Quarter, Chipping Ongar.**

**Officer contact for further information: Alan Hall (01992 – 56 4004).**

**Democratic Services Officer: Gary Woodhall (01992 – 56 4470).**

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### **Recommendations:**

**(1) That Social Housing Grant (SHG) of £710,000 be provided to London & Quadrant (L&Q) Housing Trust, funded from the unallocated budget for SHG within the Housing Capital Programme, to enable the rents of the 13 X 2 bedroom flats and 5 X 4 bedroom houses at The Quadrant, Chipping Ongar to be converted from market rents to affordable rents; and**

**(2) That further SHG totaling £290,000 be provided to L&Q Housing Trust when additional provision for SHG is made available within the Housing Capital Programme in the future, in order to convert the rents of the remaining 6 X 3 bedroom houses from market rents to affordable rents**

### **Background:**

1. At the meeting of the Cabinet on 10 April 2006, following a recommendation of the Housing Scrutiny Panel to increase the amount of affordable housing within the District, it was agreed that an additional one-off budget provision of £1million should be made within the Council's Capital Programme for 2006/7. It was agreed that £500,000 should be funded as additional expenditure to the existing Capital Programme and a further £500,000 funded by reducing the budget(s) of one or more existing projects within the Capital Programme. However, at the Cabinet meeting held on 9 October 2006, this £1million was reduced by £500,000, since no funding had been secured from other budgets to finance this expenditure.

2. In addition to the remaining £500,000 budget, a further £210,000 is currently available within the Housing Capital Programme to fund social housing grant(s) (SHGs). This funding has been secured through a variety of Section 106 Planning Agreements, whereby developers have been required to provide the Council with a payment (usually in lieu of providing affordable housing on a site), to be used to provide SHG to housing associations to provide affordable housing elsewhere within the District.

3. This total £710,000 has not yet been allocated. The reason for this is that the most prudent use of this funding is for it to be used to provide SHG for an affordable housing development which, for some reason, does not receive funding from the Housing Corporation; clearly it would be better for the District to attract as much SHG funding from the Housing Corporation as possible, rather than use its own resources.

4. It was also agreed by the Cabinet in April 2006 that, prior to the annual review of the Capital Programme, a formal annual review should be undertaken by the Cabinet to agree whether further budget provision should be included within the Capital Programme to fund social housing grants and, if so, how much should be included and when.

## **The Quarter, Chipping Ongar:**

5. Earlier in the year, the Housing Corporation confirmed SHG funding for most of the affordable housing developments that were on stream within the District at that time. However, one of the schemes that has not received Housing Corporation funding is the proposed affordable housing scheme at The Quarter, Chipping Ongar (on the site of Shelley House, the former Highway's Depot). This is a scheme for which the Council negotiated the provision of 30% affordable housing through a Section 106 Agreement and has been working in partnership with London & Quadrant Housing Trust (L&Q) to deliver. The proposed affordable housing comprises 24 properties, as follows:

- 13 X 2 bedroom flats;
- 6 X 3 bedroom houses; and
- 5 X 4 bedroom houses.

6. As part of the Section 106 Agreement, in order to make the best use of the accommodation, it was agreed that, once the properties had been built, L&Q could let the properties to applicants on the Council's Housing Register *at market rents*, until such time as funding could be provided by the Housing Corporation to convert the rents to affordable levels. This was explained to the Council's applicants, who moved-in on this basis between December 2005 and February 2006. The market rents range from £157.50 to £196.73 per week, compared to affordable rents which, for this development, would range from £80.24 to £115.23 per week.

7. However, L&Q's bid for SHG funding from the Housing Corporation was not successful. This was because the Housing Corporation's Eastern Region changed its funding criteria after the closing date for bids, which had a significant effect on this scheme. The Eastern Region said that it would now only agree to fund schemes that are classified as "Very Good" under its Eco-Homes Standard. Prior to this, the required level was "Good", which was the standard adopted for the development at The Quarter. Unlike bids for most affordable housings schemes, which are not built in advance of funding being allocated, the development had already been built. It is therefore not possible to meet the "Very Good" level. Consequently, not only was the bid unsuccessful, it will not be funded by the Housing Corporation in the future.

8. As a result, the tenants will continue to pay market rents, and the proposed affordable housing scheme - which was always the intended and negotiated tenure - will be lost to the District, unless SHG funding can be provided from another source. One of the difficulties with this is that, although the majority of tenants are in receipt of full housing benefit, 5 tenants (20%) are not, because they work. These tenants are finding it increasingly difficult to sustain their tenancies, especially because they believed the rents would be converted to affordable levels in the near future. Moreover, the remaining tenants have found themselves in a "poverty trap", with no incentive to find work, even at low incomes. It is also likely that future nominees from the Council's Housing Register will only be those in receipt of housing benefit, since employed applicants on low incomes will be unable to afford the rents.

## **Proposed Use Of Unallocated Social Housing Grant:**

9. For the reasons given above, a request for grant funding from the Council has been received from L&Q, and it is suggested that this new development is just the type of scheme for which the Council should utilise its unallocated SHG. The Total Scheme Cost for the 24 affordable properties is £3.3m, which would ordinarily require SHG of £1.83m (with the remaining costs funded by a loan). However, following discussions between the Head of Housing Services and L&Q, in order to convert the market rents to affordable rents in perpetuity, L&Q has offered to fund £827,000 of the costs from its own reserves, if the Council provided the remaining £1million SHG.

10. Since £500,000 has been withdrawn from the Capital Programme, there is no longer £1million unallocated SHG available. However, the available £710,000 within the Housing

Capital Programme that is unallocated could convert the market rents of the 13 X 2 bedroom flats and the 5 X 4 bedroom houses to affordable rents. The rents of the remaining 6 X 3 bedroom houses could then be converted to affordable levels when either the Council makes additional provision within the Capital Programme or when an additional £290,000 is received from developers in the future, in lieu of the provision of affordable housing on other sites – which is expected.

11. The agreement with L&Q would include a provision that part of the SHG must be repaid to the Council, pro rata, should any of the tenants exercise their Right to Acquire their property (which is similar to the Right to Buy for Council tenants, but less beneficial).

**Statement In Support Of Recommended Action:**

12. The provision of SHG for this development would be a prudent use of the Council's unallocated funding and, in due course, would enable all of the market rents for the properties to be converted to affordable rents in perpetuity.

**Other Options For Action:**

13. In addition to the recommended option, the Council could:

(a) decide not to provide any SHG - which would result in the potential for affordable housing being lost; the Council would also need to decide for which alternative types of schemes the budget provision for social housing grants should be used; or

(b) allocate less SHG, which would result in less rents being converted, and some properties continuing at market levels. This would not only result in less affordable housing, it would also be inequitable for those Council nominees at the developments whose rents continue at market levels.

**Consultation Undertaken:**

14. None.

**Resource implications:**

**Budget provision:** £710,000 unallocated SHG within the Housing Capital Programme, with a further £290,000 to be funded when additional budget provision is made.

**Personnel:** Nil.

**Land:** Nil.

**Council Plan/BVPP reference:** Meeting Housing Need.

**Relevant statutory powers:** Housing Act 1985.

**Background papers:** Housing Policy File H619.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** Nil.

**Key Decision Reference (if required):** N/A.

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### **Report to the Cabinet**

**Report Reference: C/075/2006-07.**

**Date of Meeting: 13 November 2006.**

**Portfolio: Finance, Performance Management and Corporate Support Services.**

**Subject: Consultation Plan 2006/07.**

**Officer contact for further information: Steve Tautz (01992 56 4180).**

**Democratic Services Officer: Gary Woodhall (01992 56 4470).**

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#### **Recommendation:**

**That the Consultation Plan for 2006/07, setting out those issues on which public consultation is planned to be undertaken during the remainder of 2006/07, and detailing those public consultation exercises completed during 2005/06, be noted.**

#### **Report:**

1. During the latter part of 2005, the Audit Commission undertook a User Focus assessment across Essex, looking at how effectively councils engaged with local communities, the results of which have previously been reported to the Finance and Performance Management Scrutiny Panel. Although the assessment confirmed that the Council's strengths in relation to public engagement outweighed its weaknesses, the Commission identified a number of possible areas for improvement in relation to the Authority's approach to public consultation, particularly in respect of ensuring engagement with minority communities and other hard to reach groups.

2. The Council's existing Consultation Strategy was originally published in 1999 in response to the introduction of Best Value legislation. As a result of the User Focus assessment, the need to develop robust consultation proposals in relation to the new Council Plan for 2006-2010, and a likely future Comprehensive Performance Assessment (CPA) focus, a new Public Consultation and Engagement Strategy was adopted in April 2006, setting out how the council will plan and undertake future consultation exercises. All consultation and engagement exercises undertaken by and on behalf of the Council are now required to comply with the provisions of the Public Consultation and Engagement Strategy. A revised consultation toolkit is also currently being produced in order to standardise consultation approaches and methodologies wherever possible, and this document will be issued to Heads of Service and relevant staff in due course.

3. As part of the new Public Consultation and Engagement Strategy, the Cabinet has previously requested that a Consultation Plan be developed as part of the annual business planning process from 2006/07 onwards, in order to focus consultation and engagement on priorities and operational issues to be faced in the coming year. The Consultation Plan will also incorporate the results of consultation exercises undertaken during the preceding twelve months, through a Consultation Register that will enable members to scrutinise consultation results and processes. The Consultation Register has previously been produced for consideration by Overview and Scrutiny, and will therefore now form part of the development of the annual Consultation Plan, which will be submitted to both the Cabinet and the Finance and Performance Management Scrutiny Panel on an annual basis. This information will also be summarised within the annual Best Value Performance Plan.

4. The Consultation Plan for 2006/07 is attached as Appendix 1 to this report. In future this will be reported to members at the commencement of each financial year, and will set out the issues on which individual services will be consulting or engaging residents or customers during the year, the overall objective for each consultation exercise, and how each exercise will be undertaken. In establishing this approach, it is recognised that the need for some consultation exercises will arise subsequent to the development of the Consultation Plan each year, as a result of unforeseen circumstances or priority issues. In addition, it should be noted that regular on-going satisfaction surveys such as housing report cards, or consultation carried out in relation to planning applications, will not be included within the Consultation Plan.

5. The Cabinet is requested to note the Consultation Plan for 2006/07, and the details of those public consultation exercises completed during 2005 (Appendix 2) and to date during 2006 (Appendix 3). These documents are to be considered by the Finance and Performance Management Scrutiny at its meeting on 14 November 2006.

**Statement In Support Of Recommended Action:**

6. To address the findings of the Audit Commission's User Focus assessment and to develop an overall corporate approach to public consultation and engagement that promotes inclusivity amongst minority groups and communities that may not always be fully engaged or represented.

**Other Options Considered And Rejected:**

7. None. The Council is expected to take action to address the results of the Audit Commission's User Focus assessment. User Focus was an important element in the methodology for the second-round of CPA for upper-tier authorities and is expected to also feature significantly in the next round of second-tier assessments.

**Consultation Undertaken:**

8. The development of an annual Consultation Plan has previously been agreed by the Cabinet and the Finance and Performance Management Scrutiny Panel.

**Resource Implications:**

**Budget:** None.

**Personnel:** None.

**Land:** None.

**Council Plan/BVPP reference:** Section 8 – 'How we Measure Our Achievements'.

**Relevant statutory powers:** None.

**Background papers:** None.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision reference: (if required)** None.

## CONSULTATION PLAN 2006/07

REF	SUBJECT OR ISSUE	DATE(S)	OBJECTIVES	TARGET GROUPS	METHOD	FEEDBACK OF RESULTS
No.	<b>Subject matter or issues to be consulted about</b>	<b>When the consultation will take place</b>	<b>The purpose of the consultation exercise</b>	<b>The groups/individuals to be consulted</b>	<b>The communication channels and methods to be used</b>	<b>How the results of the consultation will be reported</b>
1	Criteria for vehicular crossovers on housing land	November 2006	To seek the views of tenant representatives in order to agree a policy on vehicular crossover approvals which ensures that such installations do not have a detrimental affect on the overall appearance of the street scene	Epping Forest Tenants and Leaseholders Federation	To be considered at a meeting of the Epping Forest Tenants and Leaseholders Federation	Results and comments to be considered by the Housing Portfolio Holder
2	Housing Performance	Quarterly throughout the year	To provide data on housing performance to tenants and leaseholders and give opportunities for feedback and discussion	Epping Forest Tenants and Leaseholders Federation	A regular report detailing performance in relation to housing related Best Value Performance Indicators is presented to the Federation	Minutes of meetings of the Tenants and Leaseholders Federation are circulated to all members
3	BVPI Tenant Satisfaction Survey (statutory triennial survey)	August to December 2006.	Results inform BVPIs on overall satisfaction with landlord and opportunities for participation, and satisfaction ratings of specific housing services e.g. repairs and housing management.	Sample of the Council's tenants using 'STATUS' methodology (the government's standard approach for the BVPI questions). Results include breakdown by ethnic minority and can be further broken down by geographical area/age etc.	Postal survey. This is the standard approach required by the government for tenant satisfaction surveys from 2006.	Results to be reported to Members and the Tenants and Leaseholders. Federation for feedback, and published in the tenants newsletter and the Best Value Performance Plan in June 2007. Any comments will be reported to Housing Portfolio Holder for action.

4	Housing Service Strategy on Energy Efficiency	Consultation will take place during Summer 2006, with the results available in the Autumn.	To seek comments and views on the draft Energy Efficiency Strategy, and to incorporate any agreed comments within the final version.	Epping Forest Tenants and Leaseholders Association, Essex Energy Advice Centre, Citizens Advice Bureaus within the District.	Through the provision of a Consultation draft, on which consultees will be invited to comment.	Agreed comments form the consultation exercise will be incorporated within the final version of the Energy Efficiency. All consultees will receive a copy of the Strategy.
5	Housing related fees and charges for 2007/08	Consultation will take place around November 2006, with the results available around February 2006, following approval of the Council's budget.	To seek comments and views on the proposed Housing related fees and charges for 2007/08 and to incorporate any agreed comments within the final version.	Epping Forest Tenants and Leaseholders Federation.	The Head of Housing Services will attend a meeting of the Epping Forest Tenants and Leaseholders Federation and give a presentation on the main issues. The Federation will be consulted on the proposed fees and charges for 2007/08 prior to consideration by the Finance and Performance Management Scrutiny Panel, the Finance Cabinet Committee and the Cabinet.	Agreed comments made by the Federation will be incorporated within the final version. The Federation will be informed of any agreed changes to the proposals at the meeting with the Federation. The views of the Federation will be reported to the Finance and Performance Management Scrutiny Panel. The Federation will be informed of any changes subsequently made by any to the Council's committees.
6	Planned improvements or major repairs in individual properties or blocks	Throughout the year depending on the relevant programme of work.	To seek comments and views from tenants and leaseholders on matters affecting choice i.e. colours, finishes etc. The outcome of the consultation will determine the range of work, and the fittings that are installed in individual properties.	Individual tenants and leaseholders	Individual tenants and leaseholders will be consulted on a one-to-one basis in their own home, where options of choice can be explained and shown to occupiers.	Any consultation results will determine the range of work, and the fittings that are installed in individual properties. The consultees will be given feedback during the one-to-one consultation process. Detailed results will not be published.
7	Housing Service Strategy on Under Occupation	July 2006. Results will be available in September 2006, following consideration by the Housing Scrutiny Panel	To seek comments and views on the draft updated Housing Service Strategy on Under Occupation and to incorporate any agreed comments within the final version.	Epping Forest Tenants and Leaseholders Federation	The Head of Housing Services will also attend a meeting of the Epping Forest Tenants and Leaseholders Federation to give a presentation on the main issues. The Federation will be consulted on the draft updated Strategy on Under Occupation before consideration by the Housing Scrutiny Panel.	Agreed comments made by the Federation will be incorporated within the final version. The Federation will be informed of any agreed changes at the meeting with the Federation. The views of the Federation will be reported to the Housing Scrutiny Panel at the same time as the Panel considers the draft updated Housing Service Strategy on Under Occupation.



8	Voids re-let standards	September 2006. Any comments will be incorporated in the standards.	To seek comments and views from tenants on the voids re-let standards	Epping Forest Tenants and Leaseholders Federation	To provide the Epping Forest Tenants and Leaseholders Federation with a copy of the Voids Re-let standards and seek their views at a future meeting of the Federation.	As the consultation will take place at a meeting of the Tenants and Leaseholders Federation, the feedback will be given at that time
9	Planned improvements at Springfields, Waltham Abbey.	Throughout the year, depending on the relevant programme of work.	To seek comments and views from tenants and leaseholders on matters affecting choice (i.e. colours, finishes). To consult residents as part of the contractor selection process. Leaseholders opting to sell back their properties, Leaseholders electing to retain their property and pay for the improvements.	Public meeting of the Focus Group on matters of choice. Representation from the Roundhills Residents Association and/or the Focus Group on interview panel when interviewing prospective contractors at the tender stage. One-to-one consultation with leaseholders opting to sell back their properties will take place during the Summer 2006. The outcome will result in the purchase of individual leases as approved by the Cabinet.	Consultees will be consulted on a one-to-one basis in their own home, where options of choice can be explained and shown to occupiers.	Consultation results will determine the range of work, and the fittings that are installed in individual properties. The consultees will be given feedback during the one-to-one consultation process. Detailed results will not be published.

10	Housing Strategy 2006-2009	Consultation will take place during Summer 2006, with the results available in the Autumn	To seek comments and views on the draft Housing Strategy, and to incorporate any agreed comments within the final version	Registered Social Landlords (RSL's) with housing stock in the District, Local town and parish councils, Epping Forest Tenants and Leaseholders Federation, developers operating within the district, local estate agents and private landlords, Epping Forest Primary Care Trust, North Essex Mental Health Partnership NHS Trust, Essex County Council Social Care (Adult Services), Essex County Council Social Care (Children's Services), Essex County Council Supporting People Team, The three Citizens Advice Bureaux operating within the District, Voluntary Action Epping Forest	Consultees will be consulted through the provision of a Consultation Draft of the Housing Strategy, on which they will be invited to comment upon.	Agreed comments from the consultation exercise will be incorporated within the final version of the Housing Strategy. All consultees will receive a copy of the final version of the Strategy.
11	The provision of off-street parking at various sites across the district.	On-going. Consultation will take place once the feasibility study for each site is completed, which is anticipated in late Autumn each year.	To seek comments and views from residents on the provision and location of new off-street parking. The results of the consultation exercise will determine if there is sufficient local support for work to go ahead.	Local Ward Members, local residents in the immediate location affected by the works, appropriate resident/community /tenant associations	Consultees will be consulted through the provision of consultation letter and plan of the site with a pre-paid reply questionnaire, on which they will be invited to comment upon. Depending on the level of returns, it may be appropriate to do one-to-one home visit consultation to gauge resident's views.	Results will be included in future Portfolio Holder reports, which will determine future programmes of work.

12	Future refuse/recycling arrangements at Romelands, Waltham Abbey	Consultation will take place on 7th June 2006. Results will be available week commencing 19th June 2006	To obtain a view on proposal and extract other ideas from residents.	All tenants and leaseholders at Romelands in Waltham Abbey	Letter and questionnaire.	Will form basis of discussion with waste management on future arrangements. In due course consultees will be advised of arrangements in writing.
13	The Council's Housing Revenue Account (HRA) Business Plan 2007	The consultation will take place in March 2007, with the results available in March 2007.	To seek comments and views on the draft HRA Business Plan; to incorporate any agreed comments within the final version; and to incorporate the views of the Tenants & Leaseholders Federation within the final version.	The Epping Forest Tenants and Leaseholders Association	They will be consulted on the Draft Housing Strategy, prior to consideration by the Housing Scrutiny Panel. They will also be given a Plain English Summary of the HRA Business Plan, and the Head of Housing Services will attend a meeting of the Federation and give a presentation on the main issues.	Agreed comments made by the Federation will be incorporated within the final version. The Federation will be informed of any agreed changes at the meeting with the Federation. The views of the Federation will be reported to the Housing Scrutiny Panel at the same time as the Panel considers the draft HRA Business Plan.
14	Housing Repairs Tenant Satisfaction Survey	Ongoing for all repair works.	To monitor tenants satisfaction to responsive repairs service	All tenants who have had responsive repairs works carried out in their property.	Survey attached to repairs confirmation acknowledgement.	Results used to improve service and for better customer care.
15	Epping Forest Careline	Unknown at this stage	To seek comments and views on the future of the Careline centre	Epping Forest Tenants and Lease Holders Federation and Sheltered Forum	Unknown at this stage	Report to Cabinet on future of Careline-inform consultees of outcome
16	Upgrading door entry systems at sheltered housing schemes	Consultation will commence around August 2006 with results available around September 2006	To ensure that the council installs systems that are right for the client group	Older People	Housing officer attendance at Sheltered Forum, Tenants meetings at individual schemes	Results will determine which door entry system is purchased for sheltered schemes
17	Housing Services Strategy on Information	By September 2006.	To obtain feedback as part of a review of this service strategy.	Epping Forest Tenants and Leaseholders Federation.	A draft strategy will be presented to the Tenants and Leaseholders Federation for discussion at one of its regular meetings.	Amendments arising from discussion with the Tenants and Leaseholders Federation will be agreed at the meeting and incorporated into the final published strategy. Minutes of Federation meetings are circulated to all members.

18	Housing Allocation Scheme	It is intended to commence the consultation in January 2007 with view to completing the exercise by the end of that month	To ensure that all stakeholders and people they represent agree in principle with any proposed changes, to invite comments amendments and further proposal for change	Registered Social Landlords, other statutory agencies, and relevant voluntary agencies	By providing the proposed document in draft form, giving interested parties time to comment on any aspect of the draft document.	Unknown at this stage
19	Choice Based Lettings	Autumn 2006	A Government requirement that Choice Based Lettings Schemes be introduced by 2010 giving housing applicants choice, options, making the allocation of accommodation a more transparent process. To seek the views of tenant representatives and external agencies on the Scheme. This includes approval of Housing Scrutiny Panel members and the Housing Portfolio Holder.	Epping Forest Tenants and Leaseholders Federation, interested external agencies, Sheltered Forum, Leaseholders Association, Housing Scrutiny Panel.	Meetings/Presentations/Circulation of Scheme details.	Agreed comments will be included in the Scheme.

20	Planned improvements or major repairs in individual properties or blocks	The consultation will take place throughout the year, depending on the relevant programme of work. The outcome of the consultation will determine the range of work, and the fittings that are installed in individual properties. Detailed results will not be published.	To seek comments and views from tenants and leaseholders on matters affecting choice i.e. colours, finishes etc.	Individual tenants and leaseholders	They will be consulted on a one-to-one basis in their own home, where options of choice can be explained and shown to occupiers.	Any consultation results will determine the range of work, and the fittings that are installed in individual properties. The consultees will be given feedback during the one-to-one consultation process.
21	Diversity and Inclusion Strategy.	November 2006	To seek the views of tenant representatives and external agencies on the Diversity and Inclusion Strategy. This includes approval of Housing Scrutiny Panel members and the Housing Portfolio Holder.	Tenants and Leaseholders Federation, Crime and Disorder Reduction Partnership, Housing Scrutiny Panel.	To be considered at meetings of the consultee groups and will be circulated in advance	Agreed comments will be included in the final version of the strategy
22	Harassment Service Strategy	June 2006	To seek the views of tenant representatives and external agencies on the Harassment Strategy, which sets out Housing Services' approach to dealing with incidents of harassment of tenants. This includes approval of Housing Scrutiny Panel members and the Housing Portfolio Holder	Tenants and Leaseholders Federation, Crime and Disorder Partnership, Housing Scrutiny Panel.	To be considered at meetings of the consultee groups and will be circulated in advance	Agreed comments will be included in the final version of the strategy

23	Housing Service Strategy Rent Arrears	February 2007	To seek the views of tenant representatives and external agencies on the Rent Arrears Strategy, which explains Council's approach to rent arrears recovery. This includes approval of Housing Scrutiny Panel members and the Housing Portfolio Holder.	Tenants and Leaseholders Federation, Housing Scrutiny Panel.	To be considered at meetings of the consultee groups and will be circulated in advance.	Agreed comments will be included in the final version of the strategy
24	Local Supporting People Strategy	January 2007	To seek the views of tenant representatives and external agencies on the Local Supporting People Strategy, which sets out how housing related support services will be delivered and includes an Action Plan for service improvements. This includes approval of the members of Housing Scrutiny Panel and Housing Portfolio Holder.	Tenants and Leaseholders Federation, Supporting People Core Strategy Group, Inclusive Forum Annual Consultation Workshop, Sheltered Forum, Housing Scrutiny Panel, one to one consultations with agency representatives.	To be considered at meetings of the consultee groups and will be circulated in advance.	Agreed comments will be included in the final version of the strategy
25	A policy for demoting existing tenants and tolerated trespassers on the Housing Register who are seeking a transfer.	Autumn 2006	To seek the views of tenant representatives, this includes approval of the Housing Portfolio Holder.	Epping Forest Tenants and Leaseholders Federation.	To be considered at a meeting of the Tenants and Leaseholders Federation and circulated in advance.	Agreed comments will be considered by the Housing Portfolio Holder
26	Planning performance on Development Control applications	Autumn to December 2006	To consult local agents/architects etc on development control issues in order to assess working practices and make service enhancements	Local planning agents, architects, designers and planners	Using "Development Control Forum" meeting. Promotion via email, post, website etc.	Information and results will be used to assess working practices and, where necessary, make enhancements to service levels

27	Statement of Community Involvement	June to September 2006	The Statement of Community Involvement is a statutory requirement of the new planning system. To ensure that the SC1 (which will be used as the template for all future planning consultation) meets the expectations and needs of the residents and businesses in the district	National bodies, statutory undertakers, adjoining local authorities, local councils and groups, and individuals who have previously expressed an interest.	Website, e-mail, mail shots	Amend the SC1 for formal submission to the Secretary of State (in September 2006) – Then further round of consultation
28	Conservation area Character Appraisals and Management Plans	September 2006 to March 2007	To seek views on proposals for preservation and enhancement of the Matching Green, Matching and Matching Tye Conservation Areas	Parish Councils, local residents and amenity groups	Public Meeting/Discussions, Website and e-mail.	Results will be used to refine and finalise proposals and plans
29	Staff Attitude Survey	This consultation exercise will take place during October 2006 and the results will be available before January 2007	To find out the views of staff on a range of matters linking the IIP Standard	All staff employed by the Council	An on-line survey will be conducted. Hard copies will be available to staff who do not have ICT access.	All staff will be informed of the outcomes of the survey, and any action proposed. Actions will depend on the issues highlighted by staff.
30	Favourite Trees of Epping Forest District	Entries can be submitted until December 2006	To promote value of trees and engage the community in finding/nominating 50 trees	Residents, amenity groups, Tree Wardens etc	Leaflets, website, email, meetings, Countrycare contacts	Purpose built website to be created.

31	Leisure centre Customer Satisfaction	On-going. Quarterly meetings held at each centre by User Forums established to gauge customer satisfaction and seek feedback from users	As part of the Leisure Management Contract monitoring Forums allow useful feedback from customers on the performance of the Contractor and assist Client Officers in identifying what issues are important to Users. The Customer Forums are attended by Client Officers as well as nominated members of the Council.	Representatives of clubs and casual users of the Council's leisure facilities.	Meetings are held at least four times per annum at the leisure centres. The agenda is advertised and minutes published. In addition to the Forums feedback is obtained through Customer Comments Cards, Chartermark consultation and by the use of an electronic device called the Opinion Meter.	Outcomes published with agreed list of Action Points. Progress monitored through Client Officers and Forums. Feedback will be fed into the monthly Contract Management Core Meeting as well as being reported to the Leisure Monitoring Board Chaired by the Leisure Portfolio Holder.
32	Leisure and Cultural Services Non-User Survey	Summer 2007 with results available in September 2007.	To establish current patterns of use, barriers to participation and how to most effectively market the services currently provided or alternatively re-design them to make them more attractive and accessible. Survey to be targeted at those who currently do not take part or make use of facilities and services provided by the Council.	A representative sample of the demographic make up of the district, potentially face to face interviews with 1,000 residents.	The majority of interviews to take place on face-to-face basis but for some hard to reach groups telephone interviews and/or focus groups at accessible locations are being considered. Liaison will be undertaken with other partner agencies and stakeholders to access hard to reach groups e.g. Youth Service, Primary Care Trust, Council for Voluntary Service.	Results will influence Leisure Services Marketing Plan and Business Plan. Results of the consultation will be reflected in the design of services and promotional materials.
33	BVPI General Satisfaction Survey (statutory triennial survey)	June to December 2006.	Results inform BVPIs on overall satisfaction with a range of council services and operational matters	Sample of the residents of the district using the government's standard approach for the BVPI questions. Results include breakdown by ethnicity and can be further broken down by geographical area/age etc.	Postal survey. This is the standard approach required by the government for BVPI satisfaction surveys from 2006.	Results to be formally reported to Members and published in the Best Value Performance Plan in June 2007.



34	BVPI Planning Satisfaction Survey (statutory triennial survey)	June to December 2006.	Results inform BVPIs on overall satisfaction with planning services	Sample of users of planning services using the government's standard approach for the BVPI questions. Results include breakdown by ethnicity	Postal survey. This is the standard approach required by the government for BVPI satisfaction surveys from 2006.	Results to be formally reported to Members and published in the Best Value Performance Plan in June 2007.
35	BVPI Benefits Satisfaction Survey (statutory triennial survey)	June to December 2006.	Results inform BVPIs on overall satisfaction with benefits services	Sample of Housing/Council tax Benefit claimants using the government's standard approach for the BVPI questions. Results include breakdown by ethnicity	Postal survey. This is the standard approach required by the government for BVPI satisfaction surveys from 2006.	Results to be formally reported to Members and published in the Best Value Performance Plan in June 2007.
36	Domestic refuse, recycling and street cleansing	October 2006 onwards	Results will inform development of new refuse collection, recycling and street cleansing contract in 2007	All residents of the district	On-line survey through the council's website	Results will be considered by the Customer Services, Media, Communications and Information Technology Portfolio Holder

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## CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/01/05	Payphones in Sheltered Housing Schemes	Jan-05	Housing Services	Housing Information and Strategy Team.	To find out whether residents in sheltered schemes were making good use of the payphones in order to justify the costs of providing them.	Generally the survey showed low usage, although the results varied from scheme to scheme. Residents were not using the phones frequently but some felt this facility should be retained.	Sheltered Housing Forum, Housing Management Team.	Postal survey using Snap survey software
CONS/02/05	Springfields Project Preliminary Consultation	Jan-05	Housing Services	Housing Information and Strategy Team	To seek preliminary views on a proposed improvement scheme from residents living on the Springfields Estate, Waltham Abbey, and in the surrounding area	Budget set aside for major works on the estate, some essential, other works optional. Objective was to seek views on priorities for optional work.	Springfields project team	Postal survey produced with Snap survey software and hand delivered to residents. Costs of printing/return postage only
CONS/03/05	Garden Maintenance Scheme	Jan-05	Housing Services	Assistant Head of Housing Services (Operations)	Tenants and Leaseholders Federation consulted on the proposal to extend the garden maintenance scheme for vulnerable people	The Federation is consulted on all policy issues affecting tenants and leaseholders	Overview & Scrutiny Committee (1)	Report on proposals discussed at Federation meeting
CONS/04/05	Estate Cleansing (Mobile Cleaning Service)	Jan-05	Housing Services	Assistant Head of Housing Services (Operations)	Consultation with tenants, CAB & Tenants & Leaseholders Federation on the proposal to extend the cleaning service to smaller flat blocks	Outcome of consultation showed that tenants living in smaller blocks would not be interested in receiving the service	Tenants and Leaseholders Federation	(a) Postal survey of tenants (b) Meetings with CAB and Federation
CONS/05/05	Environmental Improvements – The Spinney, Loughton	Apr-05	Area Housing Manager David Barrett	Area Housing Manager	To consult residents on a set of proposals for environmental improvements to complex of elderly persons flats.	Agreed with proposal to demolish drying areas. Work to be carried out. Some opposition expressed to proposal to construct new pathway which will not now proceed.	Internal	Postal Survey

# CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/06/05	Beyond Suburbia	Oct 04 to March 05	Leisure Services	Head of Leisure Services an joint Chief Executive	A feasibility study to investigate the need for cultural development and regeneration and improvement in service delivery in the rural north of the EFDC	To enhance the quality of life of people living in the parishes in this area	As yet not reported, but plan to report to members via O/S and cabinet and local parish Councils via executive summary	Desk research, telephone and face to face interviews, workshops. Total cost £25k. £20k from ERRF and £5k from EFDC
CONS/07/05	Changes to Housing Allocations Scheme	Sep-05	Housing Services	Housing Needs Manager	Statutory and voluntary consultation of local councils and RSLs on changes to the Council's Housing Allocations Scheme	This process is carried out annually, in accordance with the Housing Act 1996 and the Local Councils Charter	Cabinet	Postal survey
CONS/08/05	Introductory Tenancy Scheme	Sep-05	Housing Services	Assistant Head of Housing Services (Operations)	Consultation with all existing secure tenants, CAB & Tenants & Leaseholders Federation on the proposal to introduce an Introductory Tenancy Scheme for all new secure tenants	Consultation is a requirement of the Introductory Tenancy Scheme regulations. The scheme will mean that all new secure tenants will be on "probation" for the first twelve months of their tenancy	Cabinet	(a) Meetings with CAB and the Federation (b) Through Housing News - all tenants
CONS/09/05	Conversion of former Manager's accommodation at Hyde Mead House, Nazeing	Jun-05	Housing Services	Assistant Head of Housing Services (Property and Resources)	Residents meeting to discuss future use of additional room made available after the conversion of a 3 bedroom flat at the scheme	Residents accepted the Council's proposals	Housing Portfolio Holder	Residents Meeting
CONS/10/05	Repairs Tenant Satisfaction Survey	on-going	Housing Services	Housing Repairs Manager	On-going post repair survey	Ongoing consultation	Finance and Performance Management Scrutiny Panel	Tenant Satisfaction card with confirmation of repair

## CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/11/05	Play Area Improvements	on-going	Housing Services	Area Housing Managers	Local residents have been consulted on play area improvements Limes Farm, Chigwell during 2005	Ongoing consultation	Area Housing Manager	Letter explaining proposal
CONS/12/05	Housing Management Service Strategy	Apr-05	Housing Services	Assistant Head of Housing Services (Operations)	Tenants and Leaseholders Federation consulted on the updated Housing Management Service Strategy	The Federation is consulted on all policy issues affecting tenants and leaseholders	Housing Scrutiny Panel	Draft Strategy discussed at Federation meeting
CONS/13/05	Older Peoples Housing Service Strategy	Apr-05	Housing Services	Assistant Head of Housing Services (Operations)	Tenants and Leaseholders Federation consulted on the updated Older Peoples Housing Service Strategy	The Federation is consulted on all policy issues affecting tenants and leaseholders	Housing Scrutiny Panel	Draft Strategy discussed at Federation meeting
CONS/14/05	Tenant Participation Housing Service Strategy	Jul-05	Housing Services	Assistant Head of Housing Services (Property & Resources)	Tenants and Leaseholders Federation consulted on the updated Tenant Participation Housing Service Strategy	The Federation is consulted on all policy issues affecting tenants and leaseholders	Housing Scrutiny Panel	Draft Strategy discussed at Federation meeting
CONS/15/05	Quarterly Management Performance Monitoring	on-going	Housing Services	Head of Housing Services	Tenants and Leaseholders Federation consulted on Housing Services Quarterly Performance Management regime	The Federation is consulted on housing performance by reference to all housing performance indicators quarterly	Head of Housing Services	PI Schedule discussed at Federation meetings quarterly
CONS/16/05	Storm Canopies – Hyde Mead House	Jul-05	Housing Services	Assistant Housing Manager Older Peoples Services	For the tenants to decide which option they preferred for the storm canopy.	Council tenants of sheltered schemes within older peoples services.	Manager – Older Peoples Services.	Postal survey
CONS/17/05	Storm Canopies – Frank Bretton House	Jul-05	Housing Services	Assistant Housing Manager Older Peoples Services	For the tenants to decide which option they preferred for the storm canopy.	Council tenants of sheltered schemes within older peoples services.	Manager – Older Peoples Services.	Postal survey

## CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/18/05	Storm Canopies – Buckhurst Court	Jul-05	Housing Services	Assistant Housing Manager Older Peoples Services	For the tenants to decide which option they preferred for the storm canopy.	Council tenants of sheltered schemes within older peoples services.	Manager – Older Peoples Services.	Postal survey
CONS/19/05	Storm Canopies – Jubilee Court	Jul-05	Housing Services	Assistant Housing Manager Older Peoples Services	For the tenants to decide which option they preferred for the storm canopy.	Council tenants of sheltered schemes within older peoples services.	Manager – Older Peoples Services.	Postal survey
CONS/20/0505	Wickfields Improvement Scheme	Aug-05	Housing Services	Head of Housing Services	All residents have been consulted on the possibility of an improvement scheme being undertaken through a stock transfer, and on the proposed design	93% of residents were in favour of the improvements through a transfer. A Residents Consultation Group of 6 interested residents was formed to discuss detailed design issues.	Cabinet	(a) Residents Meeting (b) Individual visits to each tenant's home (c) Resident Consultation Group Meetings
CONS/21/05	Chapel Road Bin Area	Aug-05	Housing Services	Head of Housing Services	To look at alternative arrangements for the storing of refuse on site. Respondents of sheltered housing, who use the exiting facility	Majority of residents responding to the survey, agreed to the proposals. Work will proceed during 2005/06.	On General Housing file	By post. £10?
CONS/22/05	Leonard Davis House Day Club	Sep-05	Housing Services	Housing Manager for Older Peoples Services	To seek tenants views on establishing a new day club at Leonard Davis House	Providing transport can be arranged, a new day club will be held on a monthly basis at Leonard Davis House. 41 out of 47 tenants are in favour of new day club at the scheme	Head of Housing Services and Assistant Head of Housing	
CONS/23/05	Improvements - EFDC Shopping Parade, market Square, Waltham Abbey	Jan-05	Estate Management	Acting Head of Estate Management	To seek comments on proposed improvements identified by EFDC	Local interest groups/bodies, shop tenants, residents above shops; Ward Councillors, EFDC Officers consulted	Acting Head of Estate Management	Postal survey

## CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/24/05	Local Plan Alterations - Redposit	Jul-05	Forward Planning	Forward Planning	To consult on proposed policy changes as required by law, including revisions based on objections received to First Deposit.	All respondents to First Deposit, and all those who requested a copy of the First Deposit, residents, key stakeholders, developers	Cabinet 24 Oct 2005	Paper and online £15k.
CONS/25/05	Town Centre User Surveys	Jul-05	Forward Planning	Forward Planning	To collect data on town centre users in key town centres in district in order to meet statutory requirements in annual monitoring report	Random sample of up to 100 town centre users in each of Loughton High Road, Loughton Broadway, Waltham Abbey, Chipping Ongar, Epping and Buckhurst Hill. Not limited to residents or non residents.	Portfolio Holder Nov 2005	Face to face interviews £200
CONS/26/05	Princesfield Road, Upshire – Future of Playground	Jun-05	Housing Services	Area Housing Manager (North)	To ascertain the level of use of the playground; Age of children that use it and the problems perceived by residents who live in the area	Letter sent to all residents living in estates surrounding the playground. Only 10% response rate – mixed views about what should be done with the playground	Leisure Services, To determine future use of playground.	Postal survey to 180 residents.
CONS/27/05	Reserved Parking spaces, Pasfield, Waltham Abbey	Nov-05	Housing Manager, Management North	Housing Manager, Management North	To get views on parking proposals	8 Agree with proposals, 4 object, 1 no comment. To determine future policy	Portfolio Holder Report 23.1.06	Residents of 11 houses. Home visits
CONS/28/05	Housing Repairs Tenants satisfaction Survey	Late 2005/Early 2006	Head of Housing Services, Rights to Repairs Legislation	Housing Repairs Section	To monitor customers satisfaction with the Responsive Repairs Service	All users of the Responsive Repairs Service	Results reported as part of performance monitoring. Head of Housing Services	Postal survey attached to repairs confirmation acknowledgement

## CONSULTATION REGISTER 2005

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/29/05	Housing Repairs Tenants satisfaction Survey	Ongoing	Head of Housing Services, Rights to Repairs Legislation	Housing Repairs Section	To monitor customer satisfaction with the Responsive Repairs Service	All users of the Responsive Repairs Service	Results reported as part of performance monitoring. Head of Housing Services	Postal survey attached to repairs confirmation acknowledgement
CONS/30/05	Development Control Agents Satisfaction Survey	Ongoing	Planning Services	Head of Planning Services	To follow up on issues raised in 2003/04 Customer Satisfaction survey and identify preferred actions; and inform agents of preferred practices	Planning application agents, a group of 15 agents attended; good discussion and consensus on many issues	Head of Planning and Economic Development. To inform Business Plan and future actions	Forum held at Civic Offices with lunch - £50.00
CONS/31/05	Planning Protocol Revision	Sep-05	Head of Research and Democratic Services	Head of Research and Democratic Services	Portfolio of Planning Agents who work regularly with EFDC Parish/Town Councils district Councillors to check comments from planning professionals to proposals for updating the protocol	None	Council 13.12.2005	Forum held at Civic Offices with lunch - £50.00



## CONSULTATION REGISTER 2006

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/01/06	Homelessness Strategy 2006/07 2008/09	Jun-05	Housing Needs Manager	Office of Deputy Prime Minister	To contact various stakeholders on proposed strategy. To assist in preparation of forthcoming strategies.	Those partners involved in assisting the authority in its Homeless function. Results received were positive with document	Results of Strategy will be passed to forthcoming CPG. Will be available in the forthcoming Homelessness Strategy when this is made a public document	Postal survey undertaken to the above
CONS/02/06	Stock Transfer – Wickfields, Chigwell (Stage 1 Consultation)	February – March 2006	Cabinet	Head of Housing Services	To consult residents (formally) on the proposals within the Consultation Document on a transfer of Wickfields and its tenants to Home Group Ltd (Warden Housing), to enable a major improvement scheme to go ahead.	All secure and non-secure tenants of Wickfields	No. of responses received 17(100%)- No. of tenants "in favour" 12(70.6%)- No. of tenants "not in favour" 0 No. of tenants "not sure" about the transfer 5(29.4%) Seven tenants did not make any comments, whilst 10 residents did make comments.	Postal survey with detailed Consultation Document. A Session and Answer held during the consultation period.
CONS/03/06	Homeless Exit Survey	Mar-06	Housing Needs Manager	ASA consultants	To contact people in temporary accommodation, Norway, House, Bed and Breakfast and SAFE, ensuring residents satisfied with service provided.	Families owed a duty to accommodate under the terms of the Housing Act 1996 pt V11. Majority of residents were satisfied with service provided	Housing Needs. Results analysed to ensure residents in temporary accommodation were satisfied with accommodation service provided. Also to be used in forthcoming Homeless Strategy.	By personal contact, face to face interviews, and telephone contact. £1,475

## CONSULTATION REGISTER 2006

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/04/06	Homeless Exit Survey	Mar-06	Housing Needs Manager	Housing Information Strategy Division	To undertake postal survey of people occupying different forms of temporary accommodation in the district under the terms of the Housing Act 1996 Pt V11	Residents at Brook Haven, New Start, homelessness prevention service clients. Results were positive. Majority of residents were satisfied with service provided	Housing Needs. Results analysed to ensure residents in temporary accommodation were satisfied with accommodation service provided. Also to be used in forthcoming Homeless Strategy.	By post to targeted group.
CONS/05/06	Homeless Exit Survey	13-24 March 2006	Housing Needs Manager	Homeless Officers and Homeless prevention officers	To undertake survey on members of the public seeking Advice and assistance on a housing difficulty they were faced with	All members of public seeking help with their housing difficulty. Positive response. Most people satisfied with service given	Housing Information Strategy Division	Prepared form completed and returned at completion of interview
/CONS/06/06	Springfield's Improvement Scheme	24-Apr-06	Roundhills Residents Association	Assistant Head of Housing Services	To advise the Roundhills residents Association Members and residents of the Springfield's estate at their AGM of progress on the improvement scheme planned for Springfield's Flats.	Invitation to the Roundhills Residents Association AGM issued to all residents of the Roundhills Estate, which includes the flats at Springfield's, invites issued by the Roundhills Residents Association Committee Members.	No results recorded – Oral presentation with Q&A session only. Feedback given to the Springfield's Project Team and Housing Management manager following the meeting. No action necessary and no results to report on this occasion	Oral presentation only Cost – limited to meeting allowance

## CONSULTATION REGISTER 2006

REF	SUBJECT	DATE	COMMISSIONED BY	CARRIED OUT BY	PURPOSE	COMMENTS	RESULTS REPORTED TO	METHOD
CONS/07/06	Stock Transfer – Wickfields, Chigwell (Stage 2 Ballot)	April - May 2006	Head of Housing Services	Electoral Reform Services (independent scrutinizers)	To ballot residents on the proposal within the detailed Consultation Document (as amended following the Stage 1 consultation) on a transfer of Wickfields and its tenants to Home Group Ltd (Warden Housing) to enable a major improvement scheme to go ahead.	Total no. of tenants balloted - 16. No. of ballot papers received - 14 (87.5% of those balloted). No. in favour of the transfer - 11 (78.6% of those who responded). No. not in favour of the transfer (21.4% of those who responded)	Housing Portfolio Holder, residents and Secretary of State. To demonstrate to the Secretary of State that a majority of secure tenants were in favour of a transfer to Warden Housing. COMS System – Report to Housing Portfolio Holder – May 2006	Formal ballot

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## **Report to the Cabinet**

**Report reference: C/078/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Environmental Protection.**

**Subject: Gambling Act 2005 – Adoption of Statement of Principles and Consequential Changes to the Licensing System.**

**Officer contact for further information: John Gilbert (01992 56 4062).  
Jim Nolan (01992 56 4083).**

**Democratic Services Officer: Gary Woodhall (01992 56 4470).**

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### **Recommendations:**

- (1) That the Statement of Principles made under the Gambling Act 2005 be recommended to the Council for adoption; and**
- (2) That the functions outlined in the Statement of Principles be delegated to the Licensing Committee.**

### **Gambling Act Statement of Principles:**

1. The Gambling Act 2005 modernises the legislation governing gambling by creating a single regulatory body, the Gambling Commission, and giving responsibility for licensing premises where gambling takes place to local authorities, making them designated Licensing Authorities for the purposes of the Act. Each Licensing Authority must, in respect of each three-year period, starting in January 2007, publish a "Statement of Principles" before the beginning of each period.

2. This report deals solely with the establishment of this Statement of Principles and the delegation of authorities. There are likely to be resource implications for Environmental Services due to the increase in the number of licenses administered, and there may be implications for the Policy Unit and Legal & Administrative Services should a significant number of applications receive representations.

3. The Statement of Principles must describe how the Licensing Authority will promote the licensing objectives set out in the Act, these are:

- (a) The prevention of gambling being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (b) Ensuring that gambling is conducted in a fair and open way; and
- (c) The protection of children and other vulnerable persons from being harmed or exploited by gambling

Following extensive consultation (see later section on consultation) the Statement of Principles has been developed and can be viewed on the Council's website or in the Members Room.

4. It is important for members to note that, like the present arrangements for the Licensing Act 2003, conditions or restrictions can **only** be applied where they are relevant to meeting the licensing objectives set out above. All other conditions will be illegal and challengeable in the Courts. Furthermore, objections ("representations") are restricted to

what the Act defines as “responsible authorities” or “interested parties”. This means that representations can only be considered if they are received from:

(a) **“Responsible authorities”:**

- the police authority;
- the fire authority;
- the local planning authority;
- the authority responsible for the protection of children;
- the authority responsible for health & safety at work;
- the Gambling Commission;
- HM Customs and Excise; and
- Any other person prescribed by regulations of the Secretary of State; or

(b) **“Interested parties”:**

- a person or persons living in the vicinity;
- a person involved in a local business; and
- a body or person representing them (although, in the case of the Gambling Act, an elected Member can be an interested party on the basis of their elected status).

If no representations are received, or they are not associated with one or more of the licensing objectives, an application must be approved.

**The Licensing Committee:**

5. The Act states that all matters relating to the discharge by a Licensing Authority of its licensing functions are to be delegated to its Licensing Committee and, accordingly, that committee must discharge those functions on behalf of the authority. This excludes the making of the Statement of Principles, which is a function of the Licensing Authority as a whole (i.e. the Council). This places the Licensing Committee in the same position that it holds relative to the Licensing Act 2003.

6. The current Licensing Committee will satisfy the requirements of the Act. It is therefore recommended that the functions set out in the Statement of Principles be delegated to the Licensing Committee.

**Constitutional Changes:**

7. To accommodate the additional licences, the Constitution will require updating with the new delegated functions.

**Statement In Support Of Recommended Action:**

8. To comply with the requirements of the Gambling Act 2005 and to ensure that the functions undertaken by the Council are constitutionally and legally correct.

**Other Options For Action:**

9. There is no option other than to adopt a Statement of Principles under the Act.

10. There is the option not to delegate these licensing functions to the existing Licensing Committee, however this would fragment licensing policy making between different decision making bodies, and this option has therefore been rejected.

**Consultation Undertaken:**

11. It is a requirement of the Act that before determining its statement, a Licensing Authority must consult:

- the Chief Officer of police for the Licensing Authority's area;
- the Fire Authority for that area;
- HM Customs and Excise;
- such persons as the Licensing Authority considers to be representative of holders of current licences issued under existing legislation; and
- such other persons as the licensing authority considers to be representative of businesses and residents in its area.

12. A list of those consulted is to be found as an appendix to the Statement of Principles and the comments received together with the responses made to those comments are attached.

**Resource implications:**

**Budget provision:** The licenses granted under the Gambling Act 2005 are currently administered by other bodies. The fees will be set by statute and are as yet unavailable, but the implementation of the Act will result in additional income to the authority. This may however be offset if it becomes necessary to increase the establishment to meet the additional workload.

**Personnel:** The extent of the demand for licenses under the Gambling Act 2005 is, as yet, unknown. Any need for additional staffing resources will be the subject of a further report.

**Land:** All premises licensable under the provisions of the Gambling Act 2005 within the District .

**Community Plan/BVPP reference:** None.

**Relevant statutory powers:** Gambling Act 2005.

**Background papers:** The Statement of Principles drafted in accordance with the Gambling Act 2005.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** See licensing objective as set out above.

**Key Decision reference (if required):** Adoption of the Statement of Principles will be a key decision.

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**Appendix**

Responder	Comment	Response
Loughton Town Council	In Appendix B, non-conformist churches should be added to the list of consultees.	Agreed
Loughton Town Council	The sentence in section 5, paragraph 3 “This authority will not apply a rigid rule to its decision making” should be removed.	The Licensing Committee have rejected this request
Loughton Town Council	Section 5, paragraph 5,4 <sup>th</sup> line be amended to read “Parish or Town Council”.	Agreed
Association of British Bookmakers	<p>That the following be inserted into the statement of principles:</p> <p>“...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate”.</p>	The Licensing Committee have rejected this request
Association of British Bookmakers	<p>That the following be inserted into the statement of principles: “While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter”</p>	The Licensing Committee have rejected this request
Association of British Bookmakers	<p>That the following be inserted into the statement of principles:</p> <p>“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give that authority a single named point of contact, and whom the authority will contact first should any compliance queries or issues arise”</p>	<p>The Licensing Committee have agreed to insert the following “The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give that authority a single named point of contact, who should be a senior individual, with responsibility for the premises in question and whom the authority will contact first should any compliance queries or issues arise”</p>

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

**Report reference: C/076/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Leader of the Council.**

**Subject: Merlin Way, North Weald – Industrial Development Land Sale.**

**Officer contact for further information: Michael Shorten (01992 - 56 4124).**

**Democratic Services Officer: Gary Woodhall (01992 - 56 4470).**

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### **Recommendations:**

**(1) That a planning application be submitted for Class B1 (offices/light industrial) and Class B8 (warehouse/distribution) uses on land adjoining Hangar 3, Merlin Way, North Weald;**

**(2) That, upon the grant of the above planning permission and completion of the appropriate surveys and property information pack, the site be offered for sale on the open market by the invitation of best offers for the freehold interest;**

**(3) That an allocation of £20,000 be made from the General Capital Contingency to fund initially an environmental assessment, ground conditions investigations, planning consultancy and other necessary site reports, such that if the site is ultimately disposed of all costs incurred in this process be off-set against the capital receipt arising; and**

**(4) That a further report be submitted to the Cabinet on the developers' offers and schemes upon completion of the marketing exercise.**

### **Report:**

1. Following the successful disposal of the former Parade Ground Site, Merlin Way, North Weald for a housing scheme and in accordance with the Council's Asset Management Plan Programme for the disposal of surplus land, the last remaining plot on the industrial estate is being prepared for sale. This plot, adjoining Hangar 3, comprising an area of about 0.88 acre/0.36 hectares (see attached plan), is zoned in the Local Plan for employment generating development and is not considered to be suitable for residential use. Planning restrictions on the hours of working apply to the Booker warehouse and taking into account the close proximity of the residential properties it is likely that similar restrictions will apply to this vacant plot. More particularly, planning officers advise that planning permission will be recommended on the following basis:

(a) Class B1 (offices/light industrial), or Class B8 (storage or distribution). Class B2 (general industry) is not considered appropriate;

(b) vehicular access to the site will be via Merlin Way only on the northern side of the site;

(c) no outside working or storage;

- (d) no working or service deliveries outside 7.00 a.m. to 7.00 p.m. Monday to Friday and 8.00 a.m. to 1.00 p.m. on Saturday;
- (e) maximum car parking: Class B8 – one space per 150 square metres, Class B1 – one space per 30 square metres;
- (f) transport assessment and travel plan for employees;
- (g) implementation of any decontamination measures shown to be necessary by prior study.

2. The approval of the Cabinet is sought for the proposed planning application, preparatory sale work, budget allocation and marketing exercise.

**Statement In Support Of Recommended Action:**

3. The proposed sale, in accordance with good practice guidelines and the Council's Asset Management Plan land sale programme, will achieve development of vacant land declared surplus to requirements and raise a valuable capital receipt.

**Other Options For Action:**

4. To retain the site pending later disposal or allocation for an alternative use or development.

**Consultation Undertaken:**

5. Consultation with Planning Services on the development possibilities for the site. An outline planning application for the proposed development will be publicly advertised.

6. Proposed sale included in the Cabinet's Forward Plan.

**Resource Implications:**

**Budget Provision:** Capital receipt from the sale of industrial development land.

**Personnel:** Valuation and Estate Management service, planning consultant and marketing agent.

**Land:** Industrial development land (0.88 acre/0.36 hectares), Merlin Way, North Weald.

**Community Plan/BVPP Reference:** FPM1 – Maximise income/capital receipt.

**Relevant Statutory Powers:** Section 123 Local Government Act 1972 – best consideration for land and property assets.

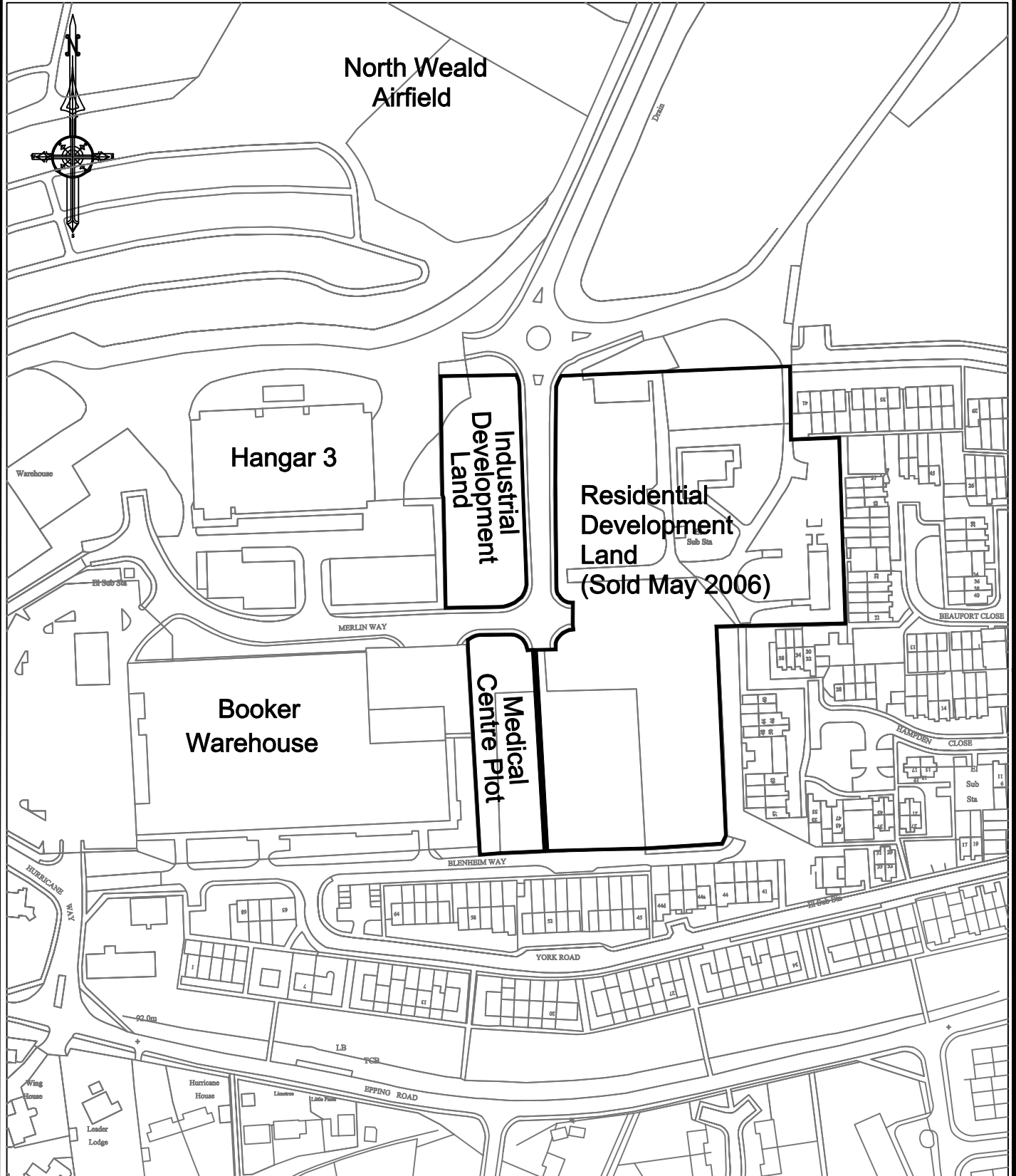
**Background Papers:** Property File EV/2426.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** N/A.

**Key Decision reference (if required):** N/A.



# EPPING FOREST DISTRICT COUNCIL



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<b>John Gilbert M.C.I.E.H. M.R.S.H.</b> Head of Environmental Services Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992 564000		Project	Content <b>Land Adjacent to          Hangar 3          Merlin Way          North Weald</b>	Name <b>S.Isgar</b>
Date <b>28.9.06</b>	Scale <b>1:2500</b>	Page 69	Project No.	
			Drawing No. <b>LD/13/C/0011/40a</b>	

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## **Report to the Cabinet**

**Report reference: C/077/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Leader of the Council.**

**Subject: Langston Road Industrial Estate, Loughton – Development Proposals.**

**Officer contact for further information: Michael Shorten (01992 - 56 4124).**

**Democratic Services Officer: Gary Woodhall (01992 - 56 4470).**

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### **Recommendations:**

- (1) That the Head of Legal, Administration and Estates, in consultation with the Leader of the Council be authorised to offer the T11 Development Site, Langston Road, Loughton for sale on the open market by the invitation of offers for the freehold interest**
- (2) That, in addition, the Head of Legal, Administration and Estates, in consultation with the Leader of the Council be authorised to negotiate and agree the principal terms for an agreement with Essex County Council for vehicular access rights through the T11 Development site;**
- (3) That, conditional upon the satisfactory outcome of (2) above, the District Council participate in a joint marketing exercise with Essex County Council of the T11 Development Site and Essex County Council's adjoining land, such marketing exercise to require prospective purchasers to submit separate bids for (a) T11 alone and (b) T11 and Essex County Council's adjoining land combination;**
- (4) That the District Council's Langston Road Depot be retained for the time being for operational purposes; and**
- (5) That a further report on the outcome of any marketing exercise be submitted to Cabinet for consideration.**

### **Report:**

1. Several new developments have recently been completed or are under construction at the Langston Road Industrial Estate, Loughton. These include the Britannia Centre warehouses, VW and BMW vehicle showrooms, Sterling House offices, Higgins Group and Kier Group headquarters buildings and construction work is due to commence on a Mercedes-Benz vehicle dealership. Towards the end of Langston Road, the Bank of England has reportedly agreed to sell the former bowls green and car park at its Britannia Sports Group for employment generating development.
2. The Cabinet and the Finance, Performance Management and Corporate Support Services Portfolio Holder have previously received reports on development proposals for the Langston Road Industrial Estate. These reports considered the development potential of the Council's T11 site, Essex County Council's adjoining land and the Council Depot. These three sites are as shown by black border on the plan attached as Appendix 1.

3. Planning permission was granted to the Council on 11 October 2006 for Class B1 (offices/light industrial), Class B2 (general industry) and Class B8 (warehousing and distribution) on the T11 site. An Environmental Assessment, a Traffic Impact Study and other surveys were commissioned in support of this planning application. The planning consent includes standard conditions together with the following:

- (a) no more than 20% of the site shall be used for Class B8 warehousing/distribution;
- (b) highway improvement works off Langston Road; and
- (c) contributions towards highway works (£100,000-£150,000), the Broadway Town Centre Enhancement Scheme (£25,000) and estate signage.

4. Negotiations have progressed with Essex County Council Property Services on the principal terms for vehicular access rights through the T11 site to facilitate development of the County's land-locked site. Although agreement has not yet been reached on the proportion of the sale proceeds payable to the District Council, the backbone of the transaction has provisionally been negotiated, as summarised later in this report.

5. Given the progress preparing the T11 site for development, decisions are now required as to whether to market the site for sale separately or to offer it in conjunction with the Council Depot and/or the adjoining land owned by Essex County Council.

#### **T11 Development Site:**

6. The T11 Development Site, situated between the Council Depot and the Seedbed Centre, has a frontage location on Langston Road. It comprises a gross area of approximately 2.6 acres/1.0 hectare.

7. To generate a rental income whilst the District and County Councils have investigated the future development possibilities for their sites, the District Council has let a plot comprising 1.50 acres/0.60 hectares within the T11 site to Galliard Homes Limited on a short-term basis for car parking. This company owns the former OCE premises (now known as Sterling House) opposite the T11 site, which has been refurbished to provide offices and warehouse accommodation for the company's own occupation and part let to external occupiers. The two-year lease excludes renewal rights, generates a rental income of £26,000 per annum and expires on 6 March 2007.

8. A Civil Engineer's report has been commissioned on the feasibility of creating an access roadway through the site to serve the County Council land. That report considered four potential routes; the preferred route through the T11 site is shown approximately on the plan attached as an Appendix.

#### **Essex County Council Land:**

9. The County Council's potential development land, comprising a net developable area of about 4.5 acres is situated to the rear of Prospect Business Park and the Seedbed Centre, as shown on the attached plan. This site is at a lower level than the existing developments in Langston Road and also that of the T11 site. It was originally part of the River Roding flood plain, however, since the building of the M11 motorway it appears to be remote from the remainder of the flood plain in this area.

10. This site is identified in the Local Plan for Business/General Industrial purposes, however, it is effectively land-locked, vehicular access is potentially only obtainable via the



District Council's T11 site or land (previously used as a bowling green) within the curtilage of the Britannia Sports Ground.

11. The site has also been identified as being suitable for a new Waste Transfer Station, Civil Amenity Point and Materials Recycling Facility. A plot of approximately 0.9 hectares/2.25 acres would be required for this purpose.

#### **Council Depot:**

12. Constructed in the mid 1980's, this development provides offices, stores and workshop facilities for a range of Council services and external contractors. The total floor space amounts to 32,633 square feet/3032 square metres upon a site having an area of 2.8 acres/1.8 hectares.

13. Council Services occupying the Depot include:

- Fleet Maintenance – workshops including MOT facility;
- Grounds Maintenance DSO – workshops and offices; and
- Museum Service – storage of artefacts.

External contractors in occupation include:

- Women's Royal Voluntary Service (WRVS) - Meals-on-Wheels Service; and
- Cory Waste Management (CWM) - Refuse Collection Service (offices, workshop and parking).

14. The WRVS accommodation is let on the terms of a lease excluding renewal rights and incorporating a rolling 12-month break clause. CWM occupy their floor space by virtue of the management contract granted by the District Council. This agreement obliges the District Council to provide the contractor with suitable depot accommodation within the District to service the refuse collection contract.

15. Currently, the freehold value of the Depot site with the buildings used for industrial/business purposes is about £2.2 million. As a site suitable for redevelopment with the benefit of planning consent for Class B1 (light industry/offices), Class B2 (general industry) and for Class B8 (warehousing), the current land value is in the region of £2 million assuming suitable ground conditions and other development considerations.

16. The Building Cost Information Service Building Costs Index indicates that the cost of replacing the existing Depot accommodation would be about £3 million. This estimate disregards the cost of purchasing the necessary land.

#### **Planning and Development Potential:**

17. The T11 site, ECC land and Council Depot are identified in the Local Plan as suitable for employment development – Class B1 (light industrial/offices) and B2 (general industry) – and, possibly, for Class B8 (warehousing).

18. The T11 site could be developed on its own being particularly suitable for a Prospect Business Park type high quality office/light industrial scheme. However, taken together with the adjoining Council Depot and ECC land there is scope for a comprehensive development scheme.

19. The County Council has requested that the two Councils unite to bring forward a joint sale to achieve a comprehensive development in the area. To this end, negotiations are in

progress on the principal terms for vehicular access over the T11 site. These negotiations have produced a provisional agreement for the Cabinet's consideration leaving only the proportion of the sale proceeds to be agreed. The principal terms may be summarised as follows:

- (a) the District Council to grant a vehicular access route of adequate width and service routes through the T11 site for construction works of both infrastructure and buildings and for the subsequent use of the County Council land;
- (b) on completion of the sale of the County Council's land, the County Council shall pay a premium to the District Council equal to the sum of:
  - (i) a proportion (under negotiation) of the open market value of the County Council's land as evidenced by the offer accepted for the sale of the land;
  - (ii) such increased costs as incurred by the District Council as a result of an increased specification or length of access road constructed on the T11 site to permit vehicular access to the County Council's land; and
  - (iii) the market value of that area of the T11 site sterilised as a result of the access road;
- (c) the County Council to pay to the District Council a proportion (under negotiation) of any overage payable for the development of the County Council's land;
- (d) to expedite the sale process, it is not considered necessary for a specific legal agreement to be drawn up prior to the marketing as long as the two councils are agreed that such an agreement will be completed simultaneously with the exchange of contracts for onward sale of the two sites; however, it will be prudent to document the agreed terms and the calculation of payments by an exchange of correspondence in advance; and
- (e) the County Council require that sufficient land be reserved for a possible Waste Transfer Station within its site.

20. Whilst the Depot is an operational asset, it is now appropriate to consider its development potential and possible disposal as part of a comprehensive scheme. Clearly, to decant the various occupiers to alternative premises will delay any sale and this should be measured against any benefits of assembling a larger site for disposal.

21. The land fronting Langston Road may have potential for retail warehouse development (Class A1) and there is known market interest from national operators willing to pay up to £1.5 million per acre for good sites with the benefit of planning consent for this purpose. However, the present formal planning policy position is that such a proposal would be contrary to the Local Plan and Government advice. As a landowner, if the Council wanted to support retail warehousing it would be likely to lead to any planning application being called into a Public Inquiry.

22. Any planning application will have to contend with supplying a detailed retail assessment and a detailed transportation assessment. These will be expensive and will have to reflect on the Council's previous rejection of food retail by Tesco's on land at Langston Road. Advice from developers' advisers suggests that a budget of at least £250,000 should be allocated to vigorously pursue an application through the appeal process. The Head of Planning Services advises that the national picture of appeal decisions on this sort of proposal has been mixed in recent times.

23. Langston Road has become a new focal point for the main vehicle dealerships with Volkswagen and BMW occupying prominent sites. A Mercedes-Benz showroom is at the planning stage and there is known market interest from other dealerships. To facilitate an employment generating development, the Finance, Performance Management and Corporate Support Services Portfolio Holder directed at his 20 February 2006 Portfolio Holder Briefing that the Council's planning application for the T11 site shall not include vehicle showrooms and that a restrictive covenant be included in any sale prohibiting this use or retail warehouse development.

**Land Values:**

24. To put the development proposals into a financial context, the site values may be summarised as follows:

<b>Development</b>	<b>T11 Site £</b>	<b>Council Depot £</b>	<b>Combined Sites £</b>
Light/General Industrial/Office/Warehouse	1,950,000	2,100,000	4,050,000
Vehicle Showrooms	2,080,000	2,240,000	4,320,000
Retail Warehousing	3,900,000	4,200,000	8,100,000

25. Joint T11 Site and ECC Land Disposal:

	<b>£</b>	<b>Notes</b>
T11 Site Sale	1,430,000	For sale as 2 plots – net developable area circa 2.2 acres
Add		
ECC Payment to EFDC for diminution in value and additional road costs	520,000	Assumes current unproven development value of ECC land exceeds diminution in value of T11 site
add		
Proportion (circa 25-30%) of market value of ECC land	50,000	Currently without planning consents or site surveys
add		
Possible future overage payments (circa 25-30%) from development of ECC land	300,000	Payable as site developed
Total Capital Receipts	2,300,000	Assume 5 year development programme

26. These figures are very indicative and may not be considered as formal valuations. Ultimately the value of the sites will be determined by the appropriate planning consents, site surveys and prospective purchasers bids.

### **Land Disposal:**

27. Strategic decisions are now required as to whether the District Council:

(a) offers the T11 site for sale as a separate plot for development; or

(b) concludes negotiations with the County Council on the principal terms of vehicular access rights through the T11 site and participates in a joint marketing of the two sites. If marketed on a joint basis, prospective purchasers could be invited to submit separate offers for the T11 site alone for the Cabinet's consideration;

(c) includes or excludes the Depot in these development proposals. Having a 105-metre Langston Road frontage, the Depot could be developed separately in a later phase; or

(d) pursues a planning application for retail warehousing or vehicle showroom development (Class A1). Irrespective of whether the Depot is included or not, an overage clause could be incorporated in the T11 site sale. In this way, the Council would benefit from future payments if planning permission were granted for retail warehousing or vehicle showrooms and the consequent enhancement in land value.

28. The Leader of the Council has visited the sites and concurs with the recommendations at the beginning of the report as the best way forward to achieve a comprehensive development in the area.

### **Statement In Support Of Recommended Action:**

29. The implementation of the recommendations will assist the two Councils to promote a major development scheme providing large-scale employment opportunities and significant capital receipts.

### **Other Options Considered And Rejected:**

30. The recent development of the Langston Road Industrial Estate as a business centre and the latent demand for development sites in this area suggests that it is an appropriate time to bring these sites forward for development. Retention of these sites for future development is an option but no longer considered appropriate.

31. Whilst a retail warehouse development would produce the highest land value, a planning application for this use is not considered appropriate as current planning policy is opposed to such development in this location. To protect the Council's position it is recommended that an overage clause be incorporated in the sale as described in paragraph 27 (d) above.

### **Consultation Undertaken:**

32. Development proposals for the T11 site and ECC land are under discussion between the two Councils and with interested developers.

### **Resource Implications:**

**Budget Provision:** Capital receipt and possible future overage from the sale of a major development site. Planning consultancy, environmental assessment, ground conditions investigations and marketing agents' costs.

**Personnel:** Valuation and Estate Management Service, planning, environmental and property consultants.

**Land:** Depot, T11 development site and ECC land, Langston Road Industrial Estate, Loughton.

**Community Plan/BVPP Reference:** FPM1 – maximise capital receipts.

**Relevant Statutory Powers:** Section 123 Local Government Act 1972 – best consideration for land and property assets.

**Background Papers:** Property file EV/844 and planning application EPF/1450/06.

**Environmental/Human Rights/Crime and Disorder Act Implications:** None.

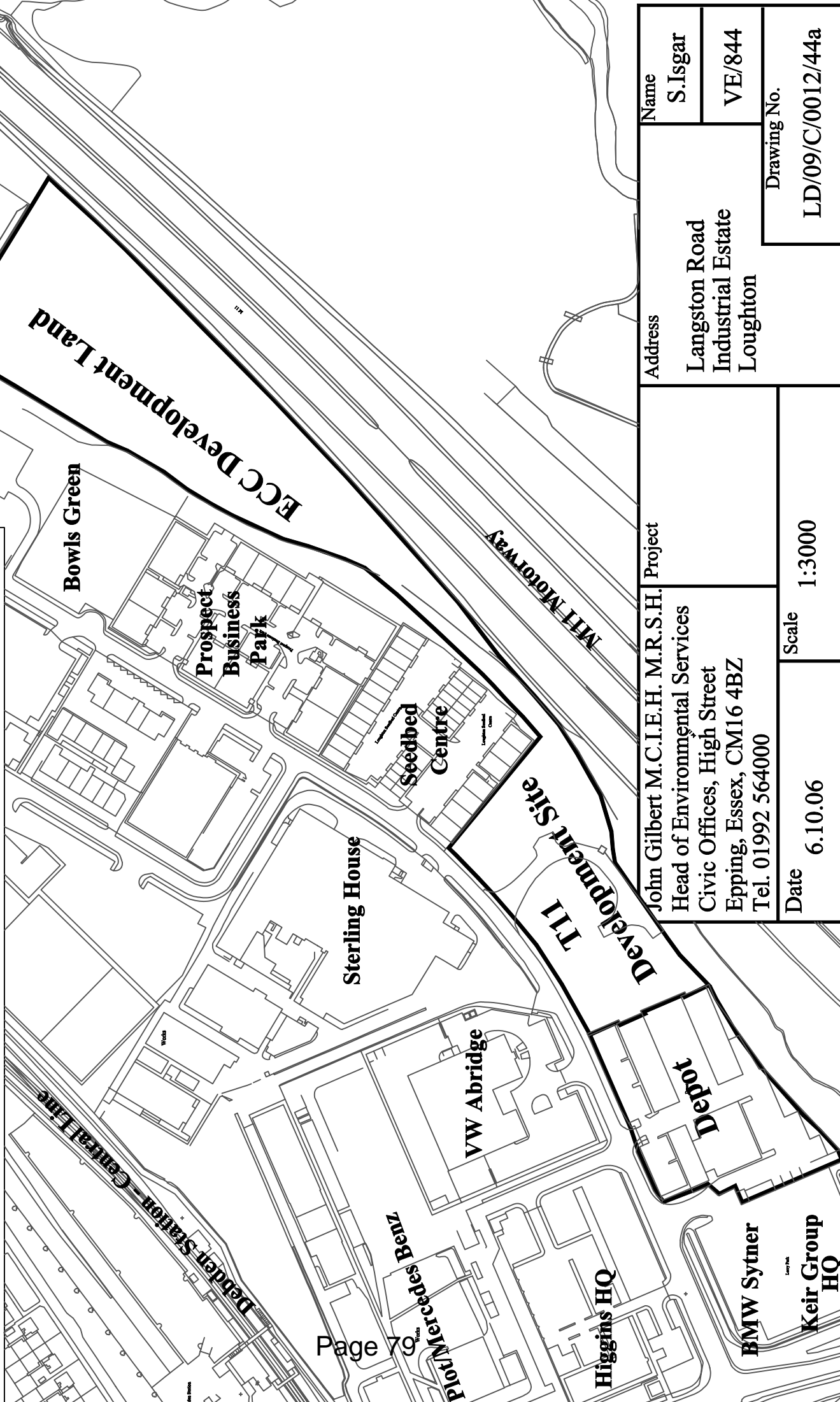
**Key Decision Reference (if required):** N/A.

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# EPPING FOREST DISTRICT COUNCIL

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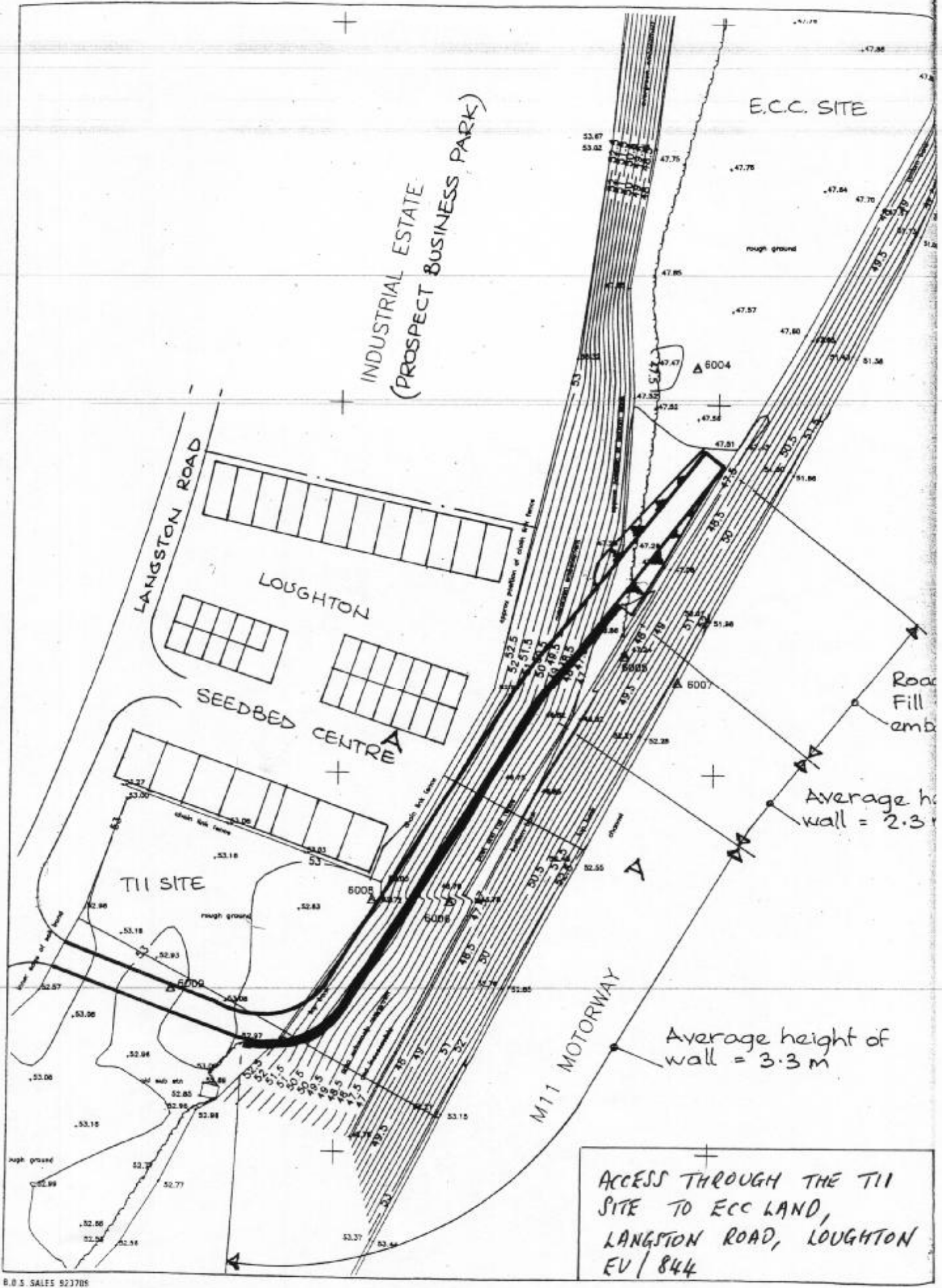
Brittania Sports Ground  
Car Park



Name	S.Isgar
	VE/844
Address	Langston Road Industrial Estate Loughton
	Drawing No. LD/09/C/0012/44a
Project	John Gilbert M.C.I.E.H. M.R.S.H.
	Head of Environmental Services Civic Offices, High Street Epping, Essex, CM16 4BZ Tel. 01992 564000
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## **Report to the Cabinet**

**Report reference: C/079/2006-07.**

**Date of meeting: 13 November 2006.**



**Epping Forest  
District Council**

**Portfolio: Customer Services, Media, Communications and ICT.**

**Subject: Re- Use of Public Sector Information Regulations and ICT.**

**Officer contact for further information: Ian Willett (01992 - 56 4243).**

**Democratic Services Officer: Gary Woodhall (01992 - 56 4470).**

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### **Recommendations:**

- (1) That requests for public sector information in which the Council holds the copyright be considered and made available for re-use in accordance with the adopted policy;**
- (2) That the attached draft policy based on a case by case review of requests be approved with a view to implementation on 1 January 2007; and**
- (3) That the Head of Research and Democratic Services be authorised to include appropriate scales of fees and charges in the policy.**

### **Report:**

1. This report sets out a draft policy for the re-use of public sector information held by the Council in which the Authority holds the copyright. Such a policy is not obligatory. However, the Council needs to determine how it will respond to any request and this would be difficult without a policy. It is proposed that arrangements to allow re-use should be established by means of the policy, which reflects the requirements of the regulations.

2. The Cabinet will appreciate that these regulations, through the charging regime, allow opportunities for income generation. By the same token, the regulations envisage that persons who receive the information will make a conscious decision to apply to the Council for permission to re-use it.

3. In respect of the charges, it is proposed that the task of setting the various scales be delegated to the Head of Research and Democratic Services for inclusion in the report to the Cabinet. The report has been considered by the Constitutional Affairs Standing Scrutiny Panel and the Overview and Scrutiny Committee.

### **Statement In Support Of Recommended Action:**

4. The Re-Use of Public Sector Information Regulations allow local authorities to licence the re-use of information which they hold and which may infringe copyright. The Council has no policy in place at present and in order to be able to respond to applications for re-use of licences, this needs to be put in place.

### **Other Options For Action:**

5. The Council does not have a policy but it will make the task of dealing with re-use applications easier if there is one. The alternative is to have no policy but this will not give clear advice to potential applicants.

**Consultation Undertaken:**

6. Overview & Scrutiny; Head of ICT.

**Resource implications:**

**Budget provision:** Nil.

**Personnel:** From existing resources. Provision is made in the regulation of licences to re-use information for the Council's costs to be recovered.

**Land:** Nil.

**Community Plan/BVPP reference:** Nil.

**Relevant statutory powers:** Data Protection Act 1998, Freedom of Information Act 2000, Re-Use of Public Sector Information Regulations 2005.

**Background papers:** Nil.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** The regulations make specific reference to decisions not discriminating between applicants.

**Key Decision reference (if required):** N/A.

**EPPING FOREST DISTRICT COUNCIL  
RE-USE OF PUBLIC SECTOR INFORMATION - POLICY**

**1. INTRODUCTION**

- 1.1 The Re-use of Public Sector Information Regulations 2005, (here referred to as 'the Regulations') came into effect on 1 July 2005. They encourage the re-use of public sector information for which the public authorities listed in the regulations hold the copyright.
- 1.2 These regulations apply to Epping Forest District Council, and this policy sets out how they relate to requests for re-use of information for which the Council holds the copyright.
- 1.3 The Regulations derive from EU Directive 2003 / 98 / EC on the re-use of Public Sector Information, which also came into force on the 1 July 2005.

**2. WHAT IS MEANT BY RE-USE?**

- 2.1 When the Council releases information which has been requested under legislation such as the Freedom of Information Act 2000 (FOIA), a person may ask if the information can be re-used, perhaps for commercial purposes. Without permission this might breach the Council's copyright. The regulations are concerned with this management of such re-use.
- 2.2 Nothing in the Regulations affects rights of access under other legislation, such as the FOIA, Environmental Information Regulations (EIR) or the Local Government Acts.

**3. WHAT ARE THE BASICS OF THE REGULATIONS?**

- 3.1 The Council is not obliged under the regulations to make public sector information available for re-use. However, if the Council decides to do so this has to be done in accordance with the Regulations.
- 3.2 Thus the Regulations provide for:
  - (a) a 20 working day period (beginning from the first working day after the request is received) for the Council to respond to a request for re-use, although this period may be extended where the information requested is extensive or complex;
  - (b) a licence fee if re-use is not to be free;
  - (c) a licence must not restrict competition;
  - (d) exclusive licensing arrangements will not be allowed except for the provision of a service in the public interest and such arrangements shall be published;
  - (e) the Council must make available to the public any conditions and any standard charges for re-use;

- (f) information for re-use must be made available by the Council electronically where possible and appropriate; and
- (g) the Council must not discriminate between different applicants making requests for re-use for comparable purposes.

#### **4. COPYRIGHT**

- 4.1 The Regulations do not affect the Council's copyright.
- 4.2 The supply of documents (for example under the FOIA) does not give any person a right to re-use them in a way that would infringe that copyright (for example, by making copies, publishing and issuing copies to the public or to any other person).
- 4.3 Brief extracts of any of the material may be reproduced without the Council's permission, under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting, subject to an acknowledgement of the Council as copyright owner. Wider re-use however requires our permission.
- 4.4 The Council may choose to allow re-use under licence, imposing conditions on the re-use of the information to ensure it is not used in a manner inconsistent with its copyright; and may also decide to charge a re-use fee.

#### **5. EXEMPTIONS TO RE-USE**

- 5.1 Once the Council agrees to make categories of information available for re-use, the grounds for refusing to provide any of the specific information of that type are limited to the following:
  - (a) the activity of supplying the document is one which falls outside its public task;
  - (b) the document contains content in which relevant intellectual property rights are owned by a third party; and
  - (c) the content of the document is exempt from access by virtue of the FOIA.

#### **6. LICENCES AND CONDITIONS FOR RE-USE**

- 6.1 Any applicant who asks for permission to re-use information for which the Council holds the copyright who has their request agreed in principle will be informed of the conditions and other licence terms. The Council will issue licences, which include the conditions for re-use, on a case-by-case basis.

#### **7. CHARGING**

- 7.1 The Regulations state that, when allowing re-use, public authorities can make a 'reasonable return on investment'. In calculating a licence fee the Council will take into account the following:

- (a) whether Epping Forest District Council's intellectual property (ie information) has a commercial value and the appropriate level of fee which is appropriate for each individual case
- (b) an hourly charge for staff time in making the requested information available to the applicant for re-use in accordance with the following rates depending on the seniority of the member of staff who is required to manage the request:
- (c) the cost of materials in respect of copying or printing (black & white or colour)

7.2 These charges will be subject to regular reviews.

## **8. INFORMATION ASSET LIST**

8.1 Where permission for re-use is granted, the Council will add the information type to an Information Asset List. The list will therefore provide a source of reference to applicants as to the type of information which has been approved for re-use. We will also link this asset list to the Council's Freedom of Information Publication Scheme.

## **9. MAKING APPLICATIONS FOR RE-USE**

9.1 An application to re-use information for which the Council holds the copyright must:

- (a) be in writing;
- (b) state the name of the person making the request;
- (c) give an address for correspondence;
- (d) specify the document requested; and
- (e) state the purpose for which the document is to be re-used.

9.2 An application must be sent to the Head of Research and Democratic Services, Epping Forest District Council, Civic Offices, High Street, Epping, Essex CM16 4BZ.

## **10 COMPLAINTS**

10.1 An applicant may complain to the Council about how their request for re-use has been dealt with, eg about any licence fee charged. This will be dealt with under the Council's Compliments and Complaints Procedure.

10.2 The complaints procedure under the regulations works in the same way as the complaints procedure under the FOIA, except that the Office for Public Sector Information (OPSI) is the ultimate authority to which to complain. An applicant can complain to OPSI only after a complaint has been considered by the Council (as the authority to which your request for re-use of information was made) and if the response to the complaint is not considered satisfactory by the person who requested the information.

10.3 Any subsequent complaint to OPSI must:

- (a) be in writing;
- (b) state the nature of the complaint;
- (c) include a copy of the written notification from the Council of its response to the complaint; and
- (d) be lodged with OPSI before the end of 28 working days commencing with the date of receipt of the Council's response.

10.4 The contact details for OPSI are:

The Standards Division  
OPSI  
Admiralty Arch  
North Side  
The Mall  
London  
SW1A 2WH

## **11. UNAUTHORISED RE-USE**

11.1 The Council reserves the right to review and pursue cases of unauthorised re-use.



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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