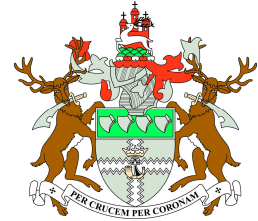


# Council Agenda



## Epping Forest District Council

### NOTICE OF COUNCIL MEETING

You are hereby summoned to a meeting of the EPPING FOREST DISTRICT COUNCIL to be held in the COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING at 7.30 pm on Tuesday, 26 July 2011 for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'D Macnab'.

**DEREK MACNAB**  
Acting Chief Executive

**Democratic Services  
Officer:**

Council Secretary: Ian Willett  
Tel: 01992 564243 Email:  
[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### WEBCASTING NOTICE

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

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**BUSINESS****1. WEBCASTING INTRODUCTION**

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

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you are consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

**2. FORMER DISTRICT COUNCILLOR JOHN PLEDGE**

The Council is invited to stand for a minute’s silence in tribute to the memory of former District Councillor John Pledge who died recently.

John Pledge was a District Councillor for 26 years representing the Stanford Rivers, Stapleford Tawney, Theydon Mount and Theydon Garnon Ward from 1974 -1979 and the Passingford Ward from 1979 - 2000. He was Chairman of the Council in 1982/83. John Pledge was also a member of the former Epping and Ongar Rural District Council for 10 years.

**3. MINUTES (Pages 9 - 36)**

To approve as a correct record and sign the minutes of the meeting held on 28 June 2011(attached).

**4. DECLARATIONS OF INTEREST**

(Chief Executive) To declare interests in any item on the agenda.

**5. ANNOUNCEMENTS**

**(a) Apologies for Absence**

**(b) Announcements**

To consider any announcements by:

- (i) the Chairman of the Council;
- (ii) the Leader of the Council; and
- (iii) any other Cabinet Member.

**(c) Telecare Services Association Accreditation – Epping Forest Careline**

The Council’s Careline Centre was opened in June 1994 and is based at Parsonage Court, Loughton. The Careline Service offers a twenty-four hour, 365 days per year,

emergency alarm service to older and disabled people living within the District. The Service is also offered to other vulnerable groups including victims of domestic violence and younger people with disabilities.

Users of the service are connected via the telephone network. The Council's own sheltered housing schemes and other designated dwellings for older people on housing estates have a hard-wired system installed in their properties with a speech module mounted on the wall and a pull cord in each of the rooms. In addition, 1,250 private sector users are connected to Careline via a dispersed alarm, and pay a small annual rental which brings income to the Housing Revenue Account. A total of 2,500 properties, representing approximately 3,000 people, are linked into the service.

Following a rigorous audit process undertaken by an external Assessor, Epping Forest Careline has been awarded the coveted Telecare Services Association's Accreditation, being a Quality Award for services provided in the emergency alarm industry.

The independent external assessor's overall conclusion was:

"Epping Forest Careline provides a quality service and has a structured document control system in place".

The accreditation lasts for three years; interim annual inspections are required to ensure the service is meeting with TSA's Key Performance Indicators. A full audit is undertaken every three years to establish that the Code of Practice Standards are continuing to be met.

The Chairman of Council will present the TSA Certificate to Councillor McEwen, Housing Portfolio Holder, Denise Pegler, Housing Manager (Older People's Services) and Jackie Ratcliffe Assistant Housing Manager (Older People's Services).

## **6. PUBLIC QUESTIONS (IF ANY)**

To answer questions asked after notice in accordance with the provisions contained in paragraph 9.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Leader of the Council;
- (b) to the Chairman of the Overview and Scrutiny Committee; or
- (c) to any Portfolio Holder.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

## **7. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET (Pages 37 - 52)**

To receive reports from the Leader, Chairman of the Overview and Scrutiny Committee and members of the Cabinet on matters falling within their area of responsibility:

- (a) Report of the Leader and Legal Portfolio Holder;
- (b) Report of the Chairman of the Overview and Scrutiny Committee;
- (c) Report of Environment Portfolio Holder;
- (d) Report of Finance and Economic Development Portfolio Holder;

- (e) Report of Housing Portfolio Holder;
- (f) Report of Leisure and Wellbeing Portfolio Holder;
- (g) Report of Planning and Technology Portfolio Holder;
- (h) Report of the Safer, Greener and Highways Portfolio Holder;
- (i) Report of Support Services Portfolio Holder.

## **8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Council Procedure Rule 10.6 provides for questions by any member of the Council to the Leader, Chairman of the Overview and Scrutiny Committee or any Portfolio Holder, without notice on:

- (i) reports under item 7 above; or
- (ii) any other matter of a non operational character in relation to the powers and duties of the Council or which affects all or part of the District or some or all of its inhabitants.

Council Procedure Rule 10.7 provides that answers to questions without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (d) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner; or
- (e) where the question relates to an operational matter, the Leader, Chairman of the Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.

In accordance with the Council Procedure Rule 10.8, a time limit of twenty minutes is set for questions. Any question not dealt with within the time available will receive a written reply. The Chairman may extend this period by up to a further 10 minutes to ensure that all political groups and independent members may have their questions answered.

## **9. MOTIONS**

To consider any motions, notice of which has been given under Council Procedure Rule 11.

Motions, if any, will follow if not received in time to be incorporated into the agenda.

## **10. QUESTIONS BY MEMBERS UNDER NOTICE**

To answer questions asked after notice in accordance with the provisions contained in paragraph 10.3 of the Council Procedure Rules of the Constitution on any matter in relation to which the Council has powers or duties or which affects the District:

- (a) to the Chairman of the Council;
- (b) to the Leader of the Council;

- (c) to the Chairman of the Overview and Scrutiny Committee or
- (d) to any Member of the Cabinet;.

Council Procedure rule 10.4 provides that answers to questions under notice may take the form of:

- (a) direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Answers to questions falling within (a) and (b) above will be made available to the member asking the question one hour before the meeting. Answers to questions falling within (c) above will be circulated to all councillors.

Questions, if any, will follow if not received in time to be incorporated into the agenda.

**11. REPORT OF THE CABINET - COUNCIL'S TREASURY MANAGEMENT STRATEGY AND INVESTMENT STRATEGY 2011/12 TO 2013/14 (Pages 53 - 76)**

To consider the attached report.

**12. REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE - SUBSTITUTE MEMBERS (Pages 77 - 78)**

Report attached.

**13. REPORT OF OVERVIEW & SCRUTINY COMMITTEE - TERMS OF REFERENCE OF THE COMPLAINTS PANEL (Pages 79 - 80)**

Report attached.

**14. REPORT OF THE DISTRICT DEVELOPMENT CONTROL COMMITTEE - ESSEX COUNTY COUNCIL DEVELOPMENT MANAGEMENT POLICIES - ADOPTION AS SUPPLEMENTARY GUIDANCE (Pages 81 - 110)**

To consider the attached report.

**15. REPORT ON THE COMMITTEE FOR THE APPOINTMENT OF A CHIEF EXECUTIVE**

Report to follow.

## 16. RODING VALLEY MEADOWS NATURE RESERVE TRUST - REPRESENTATION BY THE COUNCIL

### Recommendations:

- (1) To note the current position in respect of Councillor S. Murray's membership of the Roding Valley Meadows Management Committee and Working Group; and
- (2) To note that the Council's representative on the Working Group will be an officer.

### Report;

1. At the Annual Council meeting, Councillor S. Murray was elected to the newly constituted Roding Valley Meadows Local Nature Reserve Trust as a member of the management committee and of its working group.
2. Since the annual meeting, the terms of the Trust's constitution have been checked and it is clear that the Working Group is to comprise front line staff who are working directly in the Reserve. The Trust Deed states in its definitions that

"Representatives of the Working Group" will mean officers of the Council, members of Grange Farm or staff from the Trust that have an operational responsibility or operational impact on the Reserve."

and that the Working group must submit reports to the Management Committee as and when necessary. An arrangement where Councillor Murray serves on both bodies would not appear to meet this definition.

3. This matter has been discussed with Councillor Murray who has accepted the position. He will continue to serve on the Management Committee and the Council is asked to note that the representative on the Working Group will be an appropriate officer.

## 17. BRIBERY ACT - POLICY

Report to follow.

## 18. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive any reports, ask questions and receive answers on the business of joint arrangements and external organisations.

## 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):

Agenda Item No	Subject	Exempt Paragraph Number	Information
15	Report of External Auditor	1 and 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. REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE - REPORT OF EXTERNAL AUDITOR - CONTRACT OF FORMER CHIEF EXECUTIVE (Pages 111 - 120)**

To consider a restricted report.

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## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

**Committee:** Council

**Date:** 28 June 2011

**Place:** Council Chamber, Civic Offices,  
High Street, Epping

**Time:** 7.30 - 10.03 pm

**Members Present:** Councillors K Angold-Stephens (Chairman), B Rolfe (Vice-Chairman), R Barrett, R Bassett, A Boyce, Ms R Brookes, K Chana, Mrs T Cochrane, R Cohen, Mrs D Collins, D Dodeja, C Finn, Mrs R Gadsby, Mrs A Grigg, J Hart, Ms J Hart, D Jacobs, D C Johnson, P Keska, J Knapman, Mrs J Lea, L Leonard, A Lion, J Markham, Mrs M McEwen, A Mitchell MBE, G Mohindra, R Morgan, J Philip, Mrs C Pond, W Pryor, B Sandler, Mrs M Sartin, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, H Ulkun, Mrs L Wagland, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors K Avey, W Breare-Hall, J Collier, P Gode, Mrs S Jones, Ms Y Knight, S Murray, S Packford, Mrs P Richardson, Mrs J Sutcliffe, G Waller and Ms S Watson

**Officers Present:** D Macnab (Acting Chief Executive), C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), P Maddock (Assistant Director (Accountancy)), A Mitchell (Assistant Director (Legal)), S G Hill (Senior Democratic Services Officer), T Carne (Public Relations and Marketing Officer) and C Overend (Policy & Research Officer)

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### 16. WEBCASTING INTRODUCTION

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

### 17. MINUTES

**RESOLVED:**

That the minutes of the Council meeting held on 24 May 2011 be taken as read and signed by the Chairman as a correct record subject to the inclusion of the word "Deputy" after the name "G Waller" in item 14 of Appendix E to the minutes.

### 18. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Collins declared a personal interest in agenda item 10 (Report of the Cabinet – Epping Forest College, Loughton – Approval to Development Works) by virtue of being Chairman of the Corporation Board of the College. The Councillor advised that she

had determined that her interest was prejudicial and that she would leave the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Morgan declared a personal interest in agenda item 19 (Report of the Electoral and Community Governance Review Committee) by virtue of being the Chairman of Matching Parish Council. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Angold - Stephens declared a personal interest in agenda item 16 (Parish Remuneration Panel – Annual Report 2010/11) by virtue of being a member of the Loughton Town Council. The Councillor advised that he had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

## **19. ANNOUNCEMENTS**

### **(a) Announcements by the Chairman of the Council**

#### **(i) Attendance at Events**

The Chairman reported that on 5 June he had hosted a very special event at North Weald Airfield in honour of the 90<sup>th</sup> Anniversary of the Royal British Legion. The event had also coincided with the North Weald Airfield American Eagles Fun Day and Fly-in which had been held to celebrate the 70<sup>th</sup> Anniversary of the American Eagle Squadron at North Weald Airfield during the Second World War. The Chairman announced that wreaths had been laid at the base of the Gate Guardian in memory of those who had lost their lives in conflict. He also reported that he had made a presentation to 91 year old Doris Holden from the North Weald Branch of the British Legion. Doris had served at the Airfield during the Second World War and had been an active member of the Legion for over 30 years. The Chairman thanked the officers who had organised the event.

The Chairman reported that he had attended St Clare Hospice on 8 June for the visit of Her Royal Highness the Countess of Wessex.

He also reported on his attendance at the Young Enterprise (Essex) Team Celebration Event held on 9 June 2011. He advised the Council that the Team Programme had been specifically designed for young people aged 15-19 years who had experienced difficulties with learning and/or had physical disabilities. It had offered them a practical experience of running their own company, supported by their teacher and volunteer business advisors.

The Chairman announced that he had started visiting primary schools in the District to present the West Essex Primary School Prizes. The prizes were being presented on behalf of the West Essex Partnership in recognition of hard work and effort put in at schools over the past year.

The Council noted that the Chairman had attended the Crucial Crew Event on 17 June. The Crucial Crew was an interactive safety initiative based around key life skills that targeted 10-11 year old children. The Chairman advised that he had welcomed and toured the event with the High Sheriff, Lady Ruggles-Brise.

The Chairman announced that on 20 June, a short service had been conducted at the Civic Offices during which he had raised the Armed Forces Day Flag in recognition of Armed Forces Day on 25 June. Following the ceremony, he had hosted a small reception for those attending the event, at which coffee and cookies had been served and £65.00 had been raised for his charities.

The Chairman advised members that he proposed to impose a £10 fine on any member whose mobile phone rang during Council meetings during his year of office or on any member found texting during a Council meeting. He advised that the fines would be put to his charities.

The Chairman reminded the Council of the Members' and Officers' Golf Day on 19 July and encouraged members to participate.

Finally, the Chairman advised of his attendance at an Art and Design Exhibition at Epping Forest College as a result of which agreement had been reached for the display in the Chairman's Office of a work of art for the duration of the municipal year 2011/12. The Chairman advised that a similar arrangement would be available for future Chairmen if they wished to participate.

**(i) Floral Display**

The Chairman announced that he intended to send the flowers from tonight's meeting to Parsonage Court, Loughton.

**(b) Announcements by the Leader of Council**

Councillor Wagland reported that at a recent meeting of the West Essex Alliance, it had been announced that the enterprise zones being backed by the Local Enterprise Partnership covering Essex, East Sussex, Kent, Medway, Southend and Thurrock had been confirmed as Discovery Park in Sandwich, Kent and Enterprise West Essex in Harlow. The bid in relation to West Essex had been focussed on supporting small and medium sized businesses. Councillor Wagland pointed out that there was no guarantee of these bids being accepted by the Secretary of State.

The Leader reported that she had appeared on Channel Four News to discuss the Council's Refuse and Recycling Policy. She said she had emphasised the Council's arrangements for a weekly collection of food waste. It had subsequently been announced that central government was not going to attempt to force councils to adopt weekly collections for all waste.

The Leader advised that together with the Deputy Leader and the Finance and Economic Development Portfolio Holder, she had met representatives of Ernst & Young to discuss the prioritised resource planning study being undertaken. She also reminded the Council that Price Waterhouse Coopers were being engaged to undertake a revenue income optimisation project.

Councillor Wagland advised that there had been a certain amount of misinformation expressed in certain quarters regarding tickets for the Olympic and Paralympic Games. She advised that the Council had been approached in November 2010 by the Government Olympic Executive to bid for tickets for the Opening and Closing Ceremonies of both the Olympic and Paralympic Games, as well as for the canoe slalom event. As a result, the Council had bid for two tickets at the lowest price band for both the Olympic Opening Ceremony and the Olympic Closing Ceremony. Further, on the basis that it was understood the Paralympic Ceremony to be cheaper, a bid had been made for six tickets for each of the Paralympic Opening and Closing

Ceremonies. In addition, the Council had also bid for up to 50 tickets at the lowest price bands for the canoe slalom events for the heats and for the semi final/final. Councillor Wagland informed Members that the Council had now been offered two tickets for the Olympic Opening Ceremony and two tickets for the Olympic Closing Ceremony and 50 tickets for the canoe slalom events. She pointed out that tickets for the Paralympic Games had not yet been allocated. The Leader advised the Council that no decision had yet been taken on whether to accept the tickets or how the tickets, if accepted, would be allocated. She reported that this would be a matter for the Cabinet but that no tickets would be for councillors or for members of staff and she expected any tickets to be used to reward local residents who had contributed in some significant way to community life/citizenship in the District or had overcome adversity.

**(c) Announcement by the Environment Portfolio Holder**

Councillor Knapman advised that the Council had received a petition requesting that the lake in the Roding Valley, drained by the Police, be refilled. The Portfolio Holder pointed out that he was considering the petition but that significant resources would be required to refill the lake and the level had already improved since the submission of the petition. Councillor Knapman advised that at present there was no evidence of any danger to fish or plant life in the lake.

Councillor Knapman advised that in considering savings for future years' budgets, he had no proposals to remove the Emergency Flooding out-of hours Standby Service.

**(d) LightBulb Apprenticeship Programme**

The Chairman announced that the LightBulb based in Basildon provided training and consultancy services in Essex and the surrounding counties. He reported that Summer North had joined the Council as part of the Future Jobs programme and had been given a one year contract as an ICT apprentice. LightBulb had overseen and mentored Summer by setting projects and tasks in order for her to complete and pass an NVQ. During her apprenticeship, Chris Askew, Customer Support Supervisor in ICT had been Summer's line manager, providing guidance, support and the opportunity to gain experience of working in ICT.

The Chairman said that he was delighted to announce that Summer had received LightBulb's award for the apprentice who had interacted best with her employer and the apprenticeship programme. Further, Chris Askew had received an award for employer of the year.

The Chairman presented the awards.

**(e) Travel Plan**

The Chairman announced that the Council had agreed to introduce its own Travel Plan in September 2009 and, since then, in partnership with Essex County Council, had been developing a number of initiatives as part of the Plan. He advised that in view of the progress the Council had made on the Travel Plan, it had now been awarded the Bronze Standard Accreditation. The award was in recognition of the measures put in place by the Council including completion of a staff travel survey to obtain information about travel patterns and ideas for improvements, flexi-working, development of a car sharing scheme, provision of personal alarms, promotion of cycling and walking to work as a healthy way to travel, provision of route maps and timetables for local public transport and promotion of its benefits, and "green driving tests" for staff.

The Chairman introduced Harvey Panrucker, Sustainable Travel Planning Manager, Essex County Council and Rochelle Ruston, Sustainable Travel Planning Advisor to the meeting. Mr Panrucker congratulated the Council in obtaining the award and together with the Chairman, presented the award to Councillor Smith, the Safer and Greener Portfolio Holder and Chris Overend, Policy Officer who had helped develop the Plan.

The meeting noted that the Council would strive for accreditation to silver, and ultimately to gold standard by building on existing initiatives and introducing ideas in other areas.

## **20. PUBLIC QUESTIONS (IF ANY)**

The Council noted that there were no public questions for this meeting.

## **21. REPORTS FROM THE LEADER, CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE AND MEMBERS OF THE CABINET**

The Council received written reports from the Chairman of the Overview and Scrutiny Committee, the Environment Portfolio Holder, the Finance and Economic Development Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning and Technology Portfolio Holder, and the Safer and Greener Portfolio Holder.

The Chairman invited the Leader and Legal Portfolio Holder and the Support Services Portfolio Holder to provide oral reports, and other members of the Cabinet to give an oral update of their written reports.

### **(a) Leader and Legal Portfolio Holder**

The Leader advised that, having made announcements earlier in the meeting, she had nothing to add under this item.

### **(b) Chairman of the Overview and Scrutiny Committee**

Councillor Bassett advised that he had nothing to add to his report but wished to take this opportunity to thank Councillor Morgan, the former Chairman of the Committee, for progressing an effective Overview and Scrutiny function at the Council.

Councillor Morgan acknowledged the thanks and advised the Council that, whilst it had been the intention to keep the Magistrates' Court in Epping open till the end of the calendar year, due to budget cuts it had been closed the previous day. He expressed the view that this was a sad day for justice and for the history of Epping.

### **(c) Finance and Economic Development Portfolio Holder**

Councillor Mohindra reported that he had authorised the necessary traffic survey in relation to the St John's Road area, Epping development proposals and a further report would be made in due course.

**(d) Planning and Technology Portfolio**

Councillor Philip drew attention to a typographical error in the recommendation of his report. He advised that the Leader of the Council had recently met the Right Honourable Eric Pickles MP, Secretary of State for Communities and Local Government and Bob Neill MP, Parliamentary Under Secretary of State and the latter had offered a meeting to discuss how the Council could progress its Core Strategy. Councillor Philip advised that this invitation would be accepted.

**(e) Safer and Greener Portfolio Holder**

Councillor Smith advised that confirmation had been received within the last few days that the County Council Portfolio Holder for Transport and Highways had agreed to authorise implementation of the Epping Parking Review. She advised that the timescale was not yet clear.

**(f) Support Services Portfolio Holder**

Councillor Wyatt advised that he had met lead officers and other staff responsible for services within his Portfolio and was now well informed of the areas for which he was responsible. He advised that he would be submitted written reports to future Council meetings.

**22. QUESTIONS BY MEMBERS WITHOUT NOTICE****(i) Buckhurst Hill Parking Review**

Councillor Spencer asked the Safer and Greener Portfolio Holder for the latest timetable for completion of the Buckhurst Hill Parking Review.

Councillor Smith referred to the progress made with the County Council in securing authorisation for implementation of the Epping Parking Review but stated that at present she was unable to provide dates for the other outstanding reviews. She advised that it was her intention to bring forward reports on the other reviews as soon as possible.

**(ii) Pest Control Treatment Service**

Councillor Leonard drew attention to the charges being made for this service under arrangements with Rentokil following the collapse of the service provider. He asked the Environment Portfolio Holder whether tenders would be sought when a new contract was due to be entered into early in 2012.

Councillor Knapman confirmed that it was his intention to seek tenders for a new contract and pointed out that there seemed to be some misunderstanding about the charges being made by Rentokil. He emphasised that Rentokil were providing a subsidised service to Epping Forest District residents and that additional discounts were available for those on defined benefits.

**(iii) St John's Road area, Epping – Redevelopment**

Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse, before asking his question, declared a personal interest in this matter by virtue of

being a resident of St John's Road, Epping. The Councillor advised that he had determined that his interest was not prejudicial.

Councillor Whitehouse asked the Finance and Economic Development Portfolio Holder when the traffic study in relation to the scheme would be completed, when consultation would be carried out, and when draft and final reports would be available.

Councillor Mohindra advised that he had authorised the undertaking of a traffic survey. He continued that consultation would be undertaken after the options had been discussed and viable ones identified. He said that it was his intention to involve local ward councillors in the process.

**(iv) North Essex Parking Partnership**

Councillor Whitbread asked the Safer and Greener Portfolio Holder if it was the intention of the new Cabinet to continue to press for free parking in Epping and Ongar Town Centres as had been the policy of the previous Cabinet.

Councillor Smith advised that she had recently attended the first meeting of the Partnership but that this matter had not been discussed. She assured Councillor Whitbread that she would support local businesses and continue to press for free parking in Epping and Ongar Town Centres.

**(v) Park and Ride Facility at North Weald Airfield in relation to the Lee Valley White Water Centre**

Councillor Grigg asked the Leisure and Wellbeing Portfolio Holder if the proposal to use the Airfield as a park and ride facility was being pursued by the Olympic Development Agency. She stated that if this use took place, she was aware the Council would not receive income from the Olympic Development Agency but questioned whether the operator of coaches taking the public from North Weald to the White Water Centre would be making a contribution to the Council.

Councillor Gadsby advised that she would respond to Councillor Grigg in writing and would publish her reply in the Council Bulletin.

**(vi) Safer and Greener Portfolio**

Councillor Markham expressed disappointment at (a) the increase in the outturn figure for overall crime in the District despite an increased use of CCTV, (b) the delays in the outstanding parking reviews, and (c) the apparent demise of the Local Highways Panel. He asked Councillor Smith if she could draw attention to any positive matters in her report.

Councillor Smith confirmed that there had been a very small increase in overall crime in the District (1%) when comparing figures for 2010/11 with those for 2009/10. She pointed out however that within the figures, a number of significant improvements had been achieved. She expressed the view that the fear of crime was minimal in the District and expressed confidence in the contributions being made by all those represented on the Safer Communities Partnership. Councillor Smith advised that she felt it was important to retain local representation in highways partnership arrangements with the County Council and that she expected new arrangements to be established in place of the Local Highways Panel. She confirmed that matters remaining outstanding with the Panel would be progressed under any new arrangements.

**(vii) Loughton Tree Strategy and Lake in the Roding Valley**

Councillor Wixley drew attention to a “tree” walk taking place on 10 July 2011 being lead by Tricia Moxey and CountryCare Officers. He invited members to join the walk. Councillor Wixley asked the Environment Portfolio Holder if more publicity could be given to the situation regarding the lake which had been drained in the Roding Valley.

Councillor Knapman advised that a petition with 549 signatures had been received seeking the refilling of the lake in the Roding Valley which had been drained by the Police. He advised that he was liaising with Officers about the petition but acknowledged that there was possibly a need for increased publicity in relation to the current position. He agreed to pursue this matter.

**(viii) Council’s Internet/Intranet Replacement**

Councillor Dodeja asked the Planning and Technology Portfolio Holder for further information regarding the proposed replacement of the Council’s internet/intranet.

Councillor Philip confirmed that the current intranet solution was no longer fit for purpose. A new system had been developed internally and was currently being trialled. He advised that he anticipated this new solution could be used in the development of a new website.

**(ix) Private Sector House Condition Survey**

Councillor Jenny Hart drew attention to the Private Sector House Condition Survey to be undertaken and asked what level of responsibility private landlords had towards their tenants and the extent to which the Council could enforce these responsibilities, for example repairs to leaking plumbing and faulty electrics.

Councillor McEwen, Housing Portfolio Holder, advised that landlords were responsible for most repairs to the exterior or structure of a property that they rented out, e.g., problems with the roof, chimney, walls, guttering and drains. She continued that landlords were also responsible for keeping the equipment for supplying water, gas and electricity in safe working order. Councillor McEwen confirmed that this would include rectifying problems with leaks to plumbing and faulty electrical installations. She pointed out that tenants had responsibility for some minor repairs and maintenance including internal decorations, gardens and furniture or equipment. The Portfolio Holder advised that officers from the Private Sector Housing Team enforced a range of Environmental Health and Housing legislation requirements to ensure that properties were safe to occupy and had adequate amenities. Officers would contact landlords informally in the first instance, giving them the opportunity to remedy an issue and there was the option for further enforcement action by way of an improvement notice which legally required works to be completed. Failure to comply with the notice could result in either works being carried out in the landlord’s default and/or a prosecution for non compliance.

**(x) St John’s Road area, Epping – Traffic Survey**

Councillor J H Whitehouse referred to the answer previously given by the Finance and Economic Development Portfolio Holder and questioned when the traffic survey would be undertaken because in her view if it took place during the school summer holiday period the results would not reflect an accurate position.



Councillor Mohindra said that he was well aware of these factors and that he was aiming to get the matter resolved speedily.

**(xi) Waltham Abbey Youth 2000**

Pursuant to the Council's Code of Member Conduct, before asking his question, Councillor Pryor declared a personal interest in this matter by virtue of being a trustee/director of New Images/WAY2000. The Councillor advised that he had determined that his interest was not prejudicial.

Councillor Pryor asked the Leisure and Wellbeing Portfolio Holder what support, if any, the District Council could give Waltham Abbey Youth 2000 following the withdrawal of support to the organisation by Essex County Council.

Councillor Gadsby advised that officers had met with representatives of Waltham Abbey Youth 2000 and had offered support for certain activities.

**(xii) Loughton Broadway Town Centre Partnership – CCTV**

Councillor Brookes asked if an under-spend from the £100,000 allocation for CCTV at The Broadway Loughton could be used to purchase a piece of art for display at The Broadway.

Councillor Smith said that she did not have all the relevant information to hand and would take Councillor Brookes' suggestion into account but felt that it was likely any under-spend would be invested in further CCTV.

**23. MOTIONS**

The Council was advised that there were no motions for consideration at this meeting.

**24. QUESTIONS BY MEMBERS UNDER NOTICE**

There were no questions by members of the Council under notice in respect of this item.

**25. ORDER OF BUSINESS**

By leave of the Council, the Chairman sought leave to bring forward item 18 (Standards Committee – Annual Report 2010/11).

**RESOLVED:**

That the item on the Standards Committee – Annual Report 2010/11 be taken as the next item of business.

**26. STANDARDS COMMITTEE - ANNUAL REPORT 2010/11**

Richard Crone, Chairman and independent member of the Standards Committee presented the Ninth Annual Report 2010/11 of the Committee. He drew attention to

the need for the Council to address a new ethical framework once the Bill currently being debated in Parliament was enacted.

**RESOLVED:**

That the Annual Report 2010/11 of the Standards Committee be noted.

**27. REPORT OF THE CABINET - EPPING FOREST COLLEGE, LOUGHTON - APPROVAL TO DEVELOPMENT WORKS**

**Mover: Councillor Wagland – Leader and Legal Portfolio Holder.**

The Leader submitted a report on a request from Epping Forest College seeking the Council's approval for the demolition of the Loughton Sports Hall and the construction in its place of a new 85 bed care home development with car parking and landscaped secure garden areas in accordance with planning permission EPF/2439/10.

**Report as first moved ADOPTED**

**RESOLVED:**

That, pursuant to the restrictive covenant in paragraph (b) of the Third Schedule of a Conveyance dated 1 May 1952, approval be given as landowner of the adjoining lands to a scheme of works to be carried out on land known as the former Loughton Sports Hall as shown by a black verge on the plan attached to the report of the Cabinet.

**28. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF CONTRACT STANDING ORDERS**

**Mover: Councillor Bassett – Chairman of the Committee**

Councillor Bassett submitted a report following the annual review of Contract Standing Orders.

**Report as first moved ADOPTED**

**RESOLVED:**

(1) That the schedule of amendments to Contract Standing Orders set out in Appendix 1 to these minutes be approved;

(2) That the proposed changes to Contract Standing Orders C4(1)(g) (Contract Renewals) and C7(6)(a) (Ad Hoc Tender Lists) be reviewed in 2012/13; and

(3) That Contract Standing Orders and Financial Regulations be reviewed in alternate years in future, viz

2011/12 – Financial Regulations

2012/13 – Contract Standing Orders.

**29. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF OFFICER DELEGATION****Mover: Councillor Bassett – Chairman of the Committee**

Councillor Bassett submitted a report following the annual review of officer delegation.

**RESOLVED:**

- (1) That the schedule of changes to Council delegation attached as Appendix 2 to these minutes be approved including clarification of paragraphs (f) and (h) of the attached Appendix 3 to these minutes;
- (2) That the revised schedules be incorporated in the Constitution; and
- (3) That the schedules of delegation be re-configured on a Directorate basis in future.

**30. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - ANNUAL REPORT 2010/11****Mover: Councillor Bassett – Chairman of the Committee**

Councillor Bassett submitted the Annual Report of the Committee in accordance with Overview and Scrutiny Procedure Rule 24.

**Report as first moved ADOPTED****RESOLVED:**

- (1) That the work undertaken by the Overview and Scrutiny Committee, the Scrutiny Standing Panels and the Task and Finish Panels during the past municipal year as detailed in the annual report be noted; and
- (2) That in future annual reviews of this nature be published and circulated as a separate document rather than as part of an agenda.

**31. REPORT OF THE LICENSING COMMITTEE - LICENSING OF SEX ENTERTAINMENT VENUES****Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan submitted a report proposing adoption of a policy for the regulation of sex cinemas, sex shops and sexual entertainment venues.

**Report as first moved ADOPTED****RESOLVED:**

That the Sexual Entertainment Venues and Sex Establishment Licensing Policy and the licence conditions as set out in the attachment to the report of the Licensing Committee be adopted.

**32. REPORT OF THE LICENSING COMMITTEE - PAVEMENT LICENCES**

**Mover: Councillor Morgan – Chairman of the Committee**

Councillor Morgan submitted a report following further consideration by the Committee of the exercise of powers to issue licences to businesses which wished to place tables, chairs, A-boards etc on the pavement.

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That licences be not granted under Section 115E of the Highways Act 1980 which would permit items such as tables and chairs to be placed on pavements; and
- (2) That the position be reviewed by the Committee in one year's time.

**33. PARISH REMUNERATION PANEL - ANNUAL REPORT - 2010/11**

In the absence of Rosemary Kelly, member of the Panel who was to have presented the report but was not at the meeting as she had been involved in a road traffic accident the previous week, the Chairman invited Mr I Willett to present the report.

Mr Willett submitted the Annual Report 2010/11 of the Epping Forest District Parish Remuneration Panel.

**RESOLVED:**

That the Annual Report 2010/11 of the Epping Forest District Parish Remuneration Panel be noted.

**34. REPORT OF THE ELECTORAL & COMMUNITY GOVERNANCE REVIEW COMMITTEE**

**Mover: Councillor Philip – Chairman of the Committee**

Councillor Philip submitted a report following a Community Governance Review in respect of Moreton, Bobbingworth and the Lavers Parish Council.

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That the following proposals arising from the Community Governance Review for MBL Parish be adopted, as they reflect the identities and interests of the communities in the area and are effective and convenient namely:
  - (a) re-warding of the area comprising the existing Parish Wards of High Laver, Little Laver and Magdalen Laver to form a single ward entitled "The Lavers" as shown on Map 2 (shaded pink) of Appendix 1 to the report of the Committee;

- (b) the transfer of those areas of High Laver and Little Laver wards which are part of Matching Green Village to the Parish of Matching (as set out in Appendix 1 to the report of the Committee (and shaded green on Map 1 to that report));
  - (c) the re-alignment of the MBL/Matching Parish boundary in Matching Green Village as a consequence of (b) above as shown with a green line in Map1 of Appendix 1 to the report of the Committee ;
  - (d) that MBL Parish, should continue to have a Parish Council with electoral arrangements based on wards;
  - (e) that no change to the number of Parish Councillors in Matching and MBL Parishes be made;
- (2) That an Order be made under Section 92 of the Local Government and Public Involvement in Health Act 2007 to give effect of the proposals arising from the review, subject to a report to this meeting on further consultation with elected Councillors resident in the MBL part of Matching Green village to ascertain the level of public support for a new Matching Parish Council elections in 2012;
  - (3) That a statutory statement under Section 96 of the Act indicating the Committee's response to the review (as set out in Appendix 2 to the report of the Committee) be adopted for subsequent publication all respondents to the public consultation;
  - (4) That the Council make an application to the Local Government Boundary Commission (LGBC) for the following:
    - (a) the re-alignment of the boundary between North Weald and Nazeing and Ongar and Rural County Electoral Divisions and the District Wards of Moreton and Fyfield and Hastingwood, Matching and Sheering Village to follow the new Parish boundary; and
    - (b) the holding of an election in 2012 in the District Ward of Hastingwood, Matching and Sheering Village.

**35. EPPING FOREST MEMBERS' REMUNERATION PANEL - SIXTH ANNUAL REPORT - 2010/11**

In the absence of Rosemary Kelly, member of the Panel who was to have presented the report but was not at the meeting as she had been involved in a road traffic accident the previous week, the Chairman invited Mr I Willett to present the report.

Mr Willett submitted the Annual Report 2010/11 of the Independent Remuneration Panel.

**Motion moved by Councillor Stallan and seconded by Councillor Knapman.**

"That the following recommendation of the Panel be adopted:

"(6) That, as it is considered the role of Licensing Sub-Committee Chairmen is similar to the role undertaken by Area Plans Sub-Committee Chairmen, a Special

Responsibility Allowance be paid totalling £3225 per annum to be divided equally between the six Licensing Sub-Committee Chairmen”.

**Carried**

**Second motion moved by Councillor Philip and seconded by Councillor Wagland.**

“That the level of implementation of the allowance for the Chairman of Licensing Sub-Committee Chairman be set at £2362 per annum.”

**Carried**

**Third motion moved by Councillor Wagland and seconded by Councillor Philip**

“That the remaining recommendations of the Independent Remuneration Panel be noted”

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

(1) That, as it is considered the role of Licensing Sub-Committee Chairmen is similar to the role undertaken by Area Plans Sub-Committee Chairmen, a Special Responsibility Allowance be paid totalling £3225 per annum to be divided equally between the six Licensing Sub-Committee Chairmen;

(2) That the level of implementation of the allowance for the Chairmen of the Licensing Sub-Committee be set at £2362 per annum; and

(3) That the remaining recommendations of the Independent Remuneration Panel be noted.

**36. COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION - PLANNING FOR TRAVELLER SITES**

**Mover: Councillor Philip (Planning and Technology Portfolio Holder - at the request of the Panel)**

Councillor Philip submitted a report of the Panel proposing responses to questions posed in a Department for Communities and Local Government Consultation Paper on Planning for Traveller Sites.

By leave of the Council, Councillor Philip added the following further recommendations to the report of the Panel:

“(2) That a meeting be requested with the Minister to discuss the experience of the previous consultation in connection with the Direction, with the intention of modifying the content of the final version of the Planning Policy Statement; and

(3) That local Members of Parliament be advised of the report and the request to meet the Minister”.

Councillor Philip emphasised that this was a central government consultation exercise and not one initiated by the District Council.

During the discussion, members suggested a number of alterations to the responses to the consultation including the following:

- (a) expansion of the answer to question 3 to include the words “There is a considerable contrast between the historic seasonal agricultural work patterns of Gypsy Roma Traveller and the work patterns that exist now. The Council has seen, on average, 12 pitches provided per year over the past three years, but that rate of provision is high compared to what would normally occur”;
- (b) the reference in the answer to question 6 in the sixth line to “Section 11.23a” to read “Policy H, paragraph 23a”;
- (c) the answer to the first question of Option 3 of the Impact Assessment to start with the words “yes – there will be extra costs”, and not “no – there will be extra costs”;
- (d) the response to question 4, to include reference to the fact that artificial numbers can cause problems and existing sites recently receiving planning permission may suffer from such an approach;
- (e) the response to question 8, to express disagreement with the suggestion that the new emphasis on consultation will improve relations between the settled and traveller communities or indeed between different sections of the traveller community; and reference to be made in that answer questioning the role of Local Community Plans;
- (f) the response to question 12, to include a comment that the use of a rural exception site policy is not considered to be an acceptable approach in the Green Belt given that traveller sites are “inappropriate development”.

In addition, it was suggested that as certain matters of concern to the Council could not be expressed in response to the set questions they be set out in the letter to the Minister seeking a meeting and that a copy of that letter be also appended to the response to the consultation exercise.

Further to the above matters, the Council considered the following motion:

**Motion moved by Councillor Wagland and seconded by Councillor Mohindra**

“That the following be added to the response to question (3) under the Impact Assessment heading:

“That the suspicions and misunderstandings arise from actual or perceived planning policies not being applied in an even way between the settled and traveller communities”.

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

- (1) That the final wording of the responses to the consultation be agreed by the Planning and Economic Development Portfolio Holder, the Chairman

of the Overview and Scrutiny Committee and officers, taking account of the matters raised during the discussion on this matter;

(2) That a meeting be requested with the Minister to discuss the experience of the previous consultation in connection with the Direction, with the intention of modifying the content of the final version of the Planning Policy Statement;

(3) That the letter seeking a meeting with the Minister include matters of concern to the Council not covered by the questions posed in the consultation exercise, including clarification about how the Government's proposals for Localism will fit with the Planning Policy Statement and that the Planning and Economic Development Portfolio Holder, the Chairman of the Overview and Scrutiny Committee and officers be authorised to agree the wording of that letter;

(4) That a copy of the letter to the Minister also be appended to the response to the consultation exercise; and

(5) That local Members of Parliament be advised of the report and the request to meet the Minister.

### **37. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

Councillor Brookes reported on her attendance at a meeting of the Loughton Leisure Centre Liaison Group. She agreed to provide written details of some of her concerns to the Leisure and Wellbeing Portfolio Holder so that these matters could be pursued.

**CHAIRMAN**



REVIEW OF CONTRACT STANDING ORDERS (CSOs)

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
C1(6)(a) (Definitions)	“For the purposes of these Standing Orders, the expression (a) “Chief Officer” means the Chief Executive, the Deputy Chief Executive or a Service Director.”	ADD “Assistant Service Director”	To reflect current operational practice and Directorate delegation arrangements.
C1(12) (Definitions)	“These Contract Standing Orders apply to procurement of goods and services...”	DELETE “goods and services”.  SUBSTITUTE “goods, services or works”.	To clarify the range of activities involved.
C2(1) (Selection of Tendering Method)  Page 25	“(1) A chief Officer is required, prior to the invitation of tenders or quotations, to determine the correct procurement procedure in accordance with the provisions of Standing Orders, based on the best estimate available at that time of the contract sum.”	ADD new paragraph (to be numbered (2)) as follows:  “(2) A Chief Officer who is of the opinion that tenders or quotations are only likely to be available from a single source, shall compile and record auditable evidence which justifies his or her decision not to pursue procurement by competition.”	Single source procurement is not available as an option in Contract Standing Orders. However, the new paragraph (2) introduces this means of procurement as this situation does arise in practice. The Chief Officer is required to compile evidence which justifies his or her decision.
C4 (1)(g) (Contract Renewals)	“Where the Council has procured services, supplies or works through a competitive process and the services, supplies or works are considered to represent best value in terms of quantity and price, then the relevant Chief Officer should be enabled to continue for a period of no more than 4 years... to appoint that service provider...”	DELETE: “4 years”  and  SUBSTITUTE: “2 years”	Contract renewals over a period of up to 4 years put value for money at risk due to changes in the market. Renewals should be limited to two years only, after which the market should be tested once more.  This change should be subject to further review in 2012/13 when CSO’s are recommended to be reviewed again.

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
C4 (3) (Notification of Contracts to Chief Internal Auditor)	“Chief Officers will notify the Chief Internal Auditor of all individual purchases and contracts... over £25,000 in value whatever the period of the contract...”	ADD new sentence to C4(3) as follows:  “These requirements shall apply equally to procurement under the Essex Procurement Hub or Contract Standing Orders.”	Additional reference to the Essex Procurement Hub is to clarify that all contracts are to be notified.
C6(1) (Restricted Tendering – for Contracts Exceeding £50,000 in Value)	“... A Chief Officer will resolve that invitation to tender for a contract be limited to those persons or bodies whose names are on Constructionline...”	ADD new paragraph to C6 (to be numbered (1)) as follows:  “(i) For the purposes of this Standing Order restricted tendering is defined as any procurement where large numbers of applicants to join a tendering process are anticipated. Such tendering arrangements will consist of:  (a) the pre-qualification stage – where potential suppliers are required to demonstrate their financial standing and technical ability to meet the Council’s requirements. Account will be taken at this stage of the potential suppliers’ past performance experience in equivalent contracts with the Council or similar bodies, health and safety, environmental and equality procedure checks and any references thought appropriate.  (b) the tendering stage – where suppliers shortlisted at the pre-qualification stage are invited to tender.	Definition of “restricted tendering” will assist interpretation of requirements by Chief Officers.

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
<p>C7(6)(a) (Ad Hoc Tender Lists – Contracts over £2 million)</p>	<p>“After the expiry of the period specified in the public notice and the contract notice, invitations to tender for the Contract shall be sent to</p> <p>(a) not less than five persons or bodies who have applied for permission to tender and who have been selected as suitable by the appropriate Portfolio Holder”</p>	<p>DELETE: “Portfolio Holder” in (a) and</p> <p>SUBSTITUTE: “Chief Officer”</p> <p>ADD after “Portfolio Holder” the following:</p> <p>“but only in respect of contracts valued in excess of £50,000 but less than the EU procurement thresholds”</p> <p>NB A clerical amendment of “four” to “ five” will be made.</p> <p>ADD new paragraph 6(d) as follows:</p> <p>“(d) In exercising their delegated authority under paragraph (a) above, Chief Officers will record the criteria used in decisions on the ad hoc list of tenderers and be required to supply a copy to the Chief Internal Auditor for audit purposes.</p>	<p>C7(6)(a) relates to approval of ad hoc tendering lists after public notice. Authority is currently required from Portfolio Holders but it is recommended that this should be amended to refer to the appropriate Chief Officer. This will avoid premature disclosure of the list of competitors via the Portfolio Holder decision process. Clarification of the contracts which are involved is also recommended, namely those contracts above £50,000 in value but below the EU limit</p> <p>It is proposed that a new paragraph (d) be added requiring Chief Officers to record their decisions for audit purposes.</p> <p>It is also recommended that this change in procedure be reviewed in 2012/13.</p>
<p>C8(2) (Open Tendering)</p>	<p>“For the purposes of this Standing Order, procedures should comply with the requirements of... C16 (Opening of Tenders)”</p>	<p>ADD new paragraph (to be numbered (3)) as follows:</p> <p>“(3) The procedures for the opening of tenders may be varied in accordance with CSO 19 (relating to pre-tender estimates).”</p>	<p>To clarify that arrangements for tender opening and the circumstances where a Portfolio Holder need not supervise (see CSO 19 below).</p>

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
C10(a)(1)(i)(Contractor Selection – All Contracts Valued at More Than £25,000)	<p>“(1) For contracts in excess of £25,000, under no circumstances shall an invitation to quote be given to any person or body:</p> <p>(i) whose names do not appear on Constructionline unless the trade required is not included on Constructionline...”</p>	DELETE (i)	This section is unduly restrictive and does not reflect the procurement options available via the Essex Procurement Hub and Contract Standing Orders. Constructionline remains an option for some types of contract.
C12 (Sub Contractors and Nominated Suppliers)	ADD NEW PARAGRAPH TO BE NUMBERED (3)	ADD new paragraph as follows:  “(3) Any contractor appointed by the Council to perform any contract shall not appoint a Sub Contractor to perform any part of that contract or any supplier without the prior written consent of the Council”.	This Contract SO relates to a Sub Contractor or supplier which may be nominated by the relevant Chief Officer to the appointed contractor. Any such Sub Contractor or supplier may only be nominated by the Chief Officer if competitive quotations are obtained in according with contract standing orders.  At present this CSO does not deal with a main contractor who wishes to sub contract. The proposed amendment is proposed in order to require that any such appointment is approved in advance by the Council.
C14(1) (Appointment of Consultants)	“... The Council’s standard forms of appointment for consultants shall apply in all cases unless the Director of Corporate Support Services directs otherwise. These are set out on the Council’s intranet.”	ADD new sentence at the conclusion of paragraph (1) as follows:  “All Chief Officers shall be required to take advice from the Council’s legal staff on the form of contract to be used and specific provisions to be included therein before any contract is executed.”	Places a responsibility on Chief Officers to consult fully with legal staff throughout the contract process so as to avoid complications at a later stage.

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
C14(2) (Engagement of Consultants)	“The engagement of consultants shall be in accordance with Standing Orders...”	ADD reference in (2) to C14(1) (Legal Advice on Contracts) – see preceding item	Ditto
C18 (Alterations)	<p>“(a) Quotations and tenders shall not be altered after the date stipulated for their return, save that the relevant Chief Officer shall permit correction of arithmetical errors if he is satisfied that such errors were made inadvertently.</p> <p>(b) If an error is identified before the closing date for the return of tenders, all the tenderers shall be informed of the error and invited to adjust their tenders.</p> <p>(c) If an error in the specification is identified after the closing date for the return of tenders, all tenderers shall be given details of the error and afforded the opportunity of withdrawing the offer or submitting an amended tender.”</p>	<p>ADD following note after (c):</p> <p>“NOTE: For the purposes of paragraph (a) above the term “arithmetical error” is defined as an error in addition, subtraction, multiplication or division which has no impact on the results of the tendering exercise. Where omissions or similar errors occur in the tender which, if corrected would change the outcome of the tendering exercise, such corrections will not be undertaken except as a result of further consultation with all tenderers. “</p>	Definition of what is an arithmetical error would assist in the interpretation of this CSO. Arithmetical error should not include errors which affect the value of the tender (e.g. major omissions from the costed tender specification).

CSO Number/Subject	Present Wording	Proposed Amendment	Comments
<p>C19(2) (Acceptance of Quotations £25,000 - £50,000)</p>	<p>“(1) A Chief Officer may accept the lowest quotation received in respect of a contract not exceeding £50,000 in value or amount; a quotation other than the lowest received shall not be accepted until the relevant Portfolio Holder has considered a report...”</p> <p>(2) Paragraph (1) above shall not apply where: ...</p>	<p>ADD new paragraphs (to be numbered (2)(c) and (d)) as follows:</p> <p>“(c) the relevant Chief Officer has obtained approval in advance of the terms under which quotations will be accepted from the Cabinet or the relevant Portfolio Holder and acceptance of a quotation is fully in compliance with that decision.</p> <p>(d) in cases where quotations received exceed the limit of £50,000, provided that the lowest quotation exceeds the pre-contract estimate by no more than 10%</p>	<p>Currently C19(2) requires a Chief Officer to obtain the approval of the Portfolio Holder if other than the lowest price quotation is to be accepted.</p> <p>This applies to quotations in the range of £25,000 - £50,000. To avoid delays in letting contracts, it is recommended that, provided that the Chief Officer has agreed the terms of acceptance in advance including the basis of evaluation and the proposal to accept a tender other than the lowest accords with those terms, the Chief Officer may make the decision.</p> <p>New paragraph (d) would enable the Chief Officer to accept the lowest quotation even if it exceeds the £50,000 limit, provided it is no more than 10% above the pre-tender estimate.</p>
<p>C20(3) (Acceptance of Tenders – Contracts Exceeding £50,000)</p>	<p>“(3) A tender other than the lowest received may only be accepted after acceptance by the Cabinet or the Council on the recommendation of the appropriate Chief Officer to the Portfolio Holder concerned.”</p>	<p>AMEND first sentence of (3) by the addition of the following:</p> <p>“... unless the terms for accepting a tender have been approved in advance and the acceptance of other than lowest tender is fully in compliance with that approval.”</p>	<p>See above.</p> <p>The same exception is applied to tendering for contracts in excess of £50,000. Contracts over £1 million are excluded however as still requiring Cabinet or Council approval.</p>

## NEW AND REVISED OFFICER DELEGATION PROPOSALS – COUNCIL FUNCTIONS

NO.	DELEGATION REF/STATUS	PRESENT WORDING/ DELEGATED OFFICER(S)	PROPOSED CHANGE
1	CL39 (Freedom of Information) REVISED	<p>The present delegation in respect of FOI applications does not cover the Re-Use of Public Sector Information Regulations 2005.</p> <p>Officer Delegated: Assistant to the Chief Executive.</p> <p>In addition, in view of the increasing number of applications under the 2005 regulations for data collected from the Council's CCTV installations by the Police, Legal Firms and Insurance Companies, it is recommended that the Director of Environment and Street Scene be delegated to deal with those applications.</p>	<p>ADD additional paragraphs as follows:</p> <p>“To be responsible in accordance with the Council's policy for administering requests for information under the Re-Use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used”.</p> <p>(Officer Delegated: Assistant to the Chief Executive).</p> <p>“To be responsible for administering requests under the 2005 Regulations in respect of use of CCTV data, taking account of the Council's policy and charging arrangements”.</p> <p>(Officer Delegated: Director of Environment and Street Scene).</p>

NO.	DELEGATION REF/STATUS	PRESENT WORDING/ DELEGATED OFFICER(S)	PROPOSED CHANGE
2	<p>NEW – Planning Delegation</p> <p>Approved by District Development Control Committee on 7.12.10 (Minute 30).</p>	<p>Consolidation of various delegated authorities exercised by the Director of Planning and Economic Development under one Directorate Heading.</p>	<p>See Appendix 2 to the report.</p> <p>To clarify the wording of item (f) of Schedule A, we are proposing that the existing wording be substituted with the following:</p> <p>(f) Those applications recommended for approval where there are more than two expressions of objections are received, material to the planning merits of the proposal to be approved, apart from approvals in respect of householder type developments, telecommunication masts, shop fronts and vehicular crossovers and “other” category developments (changes of use, advertisements, listed building consents, conservation area consents), where more than four expressions of objections material to the planning merits of the proposal to be approved are received.</p> <p>To clarify the wording of part (h) of Schedule A, we are proposing that the existing wording be substituted with the following:</p> <p>(h) Applications referred by a District Councillor, who’s own ward must be in the relevant Area Plans Sub-Committee and who has firstly notified the relevant Ward Councillors in advance, so long as the referral has been requested in writing to Officers within 4 weeks of that applications notification in the Council Bulletin.</p>



**Planning & Economic Development Delegations Schedule Number 1: Development Control**

Function:	Principal Relevant Legislation (*see note)	Relevant Details:	Exceptions:
<b>Care of the environment.</b>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	No
<b>Development Control</b>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p> <p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2</p>	<ol style="list-style-type: none"> <li>1. Subject to Schedule A below, which are matters to be determined by committee, to determine or decline to determine any:               <ol style="list-style-type: none"> <li>a. planning applications,</li> <li>b. applications for approval of reserved matters,</li> <li>c. applications arising from any condition imposed on any consent, permission, order or notice,</li> <li>d. advertisement consents,</li> <li>e. listed buildings and conservation areas consents,</li> <li>f. discharge of conditions and</li> <li>g. non-material and minor material amendments.</li> </ol> </li> <li>2. To agree the precise wording of additional/ revised conditions to be attached to planning permissions, at members' request.</li> <li>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</li> <li>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</li> <li>5. In relation to agricultural development, to determine whether to require the formal submission of details.</li> <li>6. To determine applications in relation to certificates of lawful use and development.</li> </ol>	Yes

		7. To obtain and use necessary powers of entry to the land in relation to the above.	
<b>Enforcement</b>	<p>Town and Country Planning Act 1990 (as amended), Part 8, section 171-190, 196a,b,c, 215-219, 224, 324 and 325.</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38 and 88.</p>	<p>Authority for Director of Planning &amp; Economic Development or Director of Corporate Support Services to:</p> <ol style="list-style-type: none"> <li>1. Issue Stop notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.</li> <li>2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.</li> <li>3. Take appropriate enforcement action, including serving an injunction where the Director of Planning and Economic Development and/or the Director of Corporate Support Services, or their nominee, having regard to the evidence considers the circumstances to require urgent action.</li> <li>4. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.</li> <li>5. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant.</li> <li>6. Obtain and use powers of entry necessary in relation to the above.</li> </ol>	No

- Note: the authority to be updated to take into account changes in the relevant legislation. All references are to the legislation as currently amended.

Schedule A: Matters to be Determined by the Relevant Committee

- (a) applications contrary to the provisions of an approved draft or Development Plan, and which are recommended for approval;
- (b) applications contrary to other approved policies of the Council, and which are recommended for approval;
- (c) applications for major commercial and other developments, (e.g. developments of significant scale and/or of wide concern) and which are recommended for approval;
- (d) applications for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and which are recommended for approval)
- (e) the councils own applications on its land or property which are for disposal;
- (f) those applications recommended for approval where there are more than two expressions of objection material to the planning merits of the proposal to be approved and received, apart from:
  - 1. approvals in respect of householder developments and
  - 2. "other" category developments (i.e. changes of use, advertisements, listed building consents, Conservation Area consents, lawful development certificates, agricultural notifications, as well as telecommunications masts, shop fronts and vehicle crossovers),.
- (g) applications recommended for approval contrary to an objection from a local council which are material to the planning merits of the proposal;
- (h) applications which a Councillor representing a ward within the relevant Area Plans Sub-Committee area requests in writing within four weeks of notification in the Council Bulletin should be referred to the appropriate Sub-Committee provided that the member concerned has notified the Ward Councillor in advance;
- (i) applications where recommendation conflicts with a previous resolution of a Committee;
- (j) applications submitted by or on behalf of a Councillor of the Authority (and/or spouse/partner) or on behalf of a member of staff of Planning and Economic Development (and/or spouse/partner) and also in those cases where a councillor is an objector in a purely personal capacity;
- (k) any other application which the Director of Planning and Economic Development considers it expedient or appropriate to present to committee for decision (e.g. those raising issues not covered by existing policies, or of significant public interest, or those with a significant impact on the environment)
- (l) an application which would otherwise be refused under delegated powers by the Director of Planning and Economic Development but where there is support from the relevant local council and no other overriding planning consideration necessitates refusal.

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## ***Report to the Council***

**Committee:** Cabinet                                      **Date:** 26 July 2011  
**Subject:** Leader and Legal Portfolio Holders Report  
**Portfolio Holder:** Councillor L Wagland      **Item:** 7(a)

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**Recommending:**

That the report of the Leader and Legal Portfolio Holder be noted

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**Management Agreement for Roding Valley Meadows Nature Reserve**

1. This was completed on 16th March 2011.
2. The Agreement is between Epping Forest District Council (1) Grange Farm Centre Trust (2) and Essex Wildlife Trust Limited (3) and basically deals with the way EWTL is to manage the Nature Reserve. Part of the Nature Reserve is an SSSI (Site of Special Scientific Interest). The Agreement brings together three previous agreements and secures a financial contribution from the GFCT.

**Deed of Release of Covenants and Side Letter in respect of Epping Forest College's Loughton Sports Hall**

3. In return for releasing the two covenants concerning use and the right of pre-emption, the College was required to enter into a Side Letter whereby the College undertake to provide a new community sports facilities as a priority when funds for such purposes become available to the College. The deed of release was completed on 6th July 2011. The side letter has been provided.

**Licence Agreement between the Olympic Development Authority and EFDC - to use part of North Weald Airfield for Park and Ride venue-in connection with the 2012 Olympic Games**

4. The Council was approached by the ODA regarding the use of NWA. Following the Cabinet decision meetings were held between officers of the Environment Directorate and the legal team, followed by meetings with representatives of the ODA and its solicitor. Terms for the Licence were negotiated and finally completed on 11th July 2011.
5. Under the Agreement the ODA will be able to use an area of land on North Weald Airfield (which is normally used by the operator of the market for parking by those visiting the market) as a transport hub/park and ride venue for the Olympics in 2012.
6. The ODA will be allowed on the site from 23rd July 2011; they will have exclusive use of the area between 29th July 2012 and 2nd August 2012 (the exclusivity has been modified in respect of the Council due to the fact that this is an

Airfield); the licence period is from 23rd July 2012 to 10th August 2012 to allow 'set up and take down'.

7. They are to have public liability insurance of £30m; they are to pay us £4,000.00 in respect of loss of income from the use of the land during the licence period once we send an invoice; if they damage the land they are to put it right; they are to provide over night security; the ODA can terminate the agreement and the Council can suspend the agreement; the ODA cannot excavate; the ODA has been made aware of the high voltage cables and that all rubbish must be cleared on a daily basis etc.

8. The Council cannot use any trade marks of any of the Games Bodies, it cannot do ambush marketing nor can it say that any of its products/services are connected with the Olympic Games.

9. No licence fee would be payable given the not for profit nature of the ODA and the Organising Committee of the London Olympic Games (LOCOG) and would therefore be treated as a contribution from the Council to the success of the Games .

#### **Appeal to the Magistrates' Court against the decision to revoke a Hackney carriage Licence**

10. On 2nd November 2010 the Licensing Sub-Committee revoked the Hackney Carriage Drivers Licence held by Mr Burns. He appealed against the decision to the Harlow Magistrates' Court.

11. The one day hearing took place on 28th June 2011 at which Mr Burns was legally represented.

12. The Council gave evidence by means of written statements from the Senior Licensing officer and the Assistant Director( Legal). More particularly, the solicitor who had advised the panel gave evidence in person at Court and was cross examined on the procedures, processes and training of Members of the sub committee. The court accepted the Council's evidence, upholding the decision of the Licensing sub committee and dismissing the appeal.

13. They commented that 'the decision of the Council's sub committee was not wrong at the time and was not wrong now.' They shared the sub-committee's concerns for safety to the public and considered the decision to be reasonable and proportionate.

14. The Council sought and was awarded full costs.

#### **Local Land charges : Personal Search Fee update**

15. A dispute continues between certain personal search companies and over 200 Councils relating to fees paid subsequent to the Environmental Information Regulations coming into force. This Council is represented along with the overwhelming majority of others through the Local Government Association, by Bevan Brittan, Solicitors and a jointly instructed Leading Counsel. At present our contribution has been £150.

## ***Report to Council***

***Date of meeting: 28 July 2011***

**Subject: Overview and Scrutiny report to Council – July 2011**

**Contact for further information: Cllr R Bassett**

**Committee Secretary: Adrian Hendry, ext.4246**



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### **Recommendation:**

**That the Overview and Scrutiny progress report from June 2011 to the present be noted.**

### **Report**

#### **Overview and Scrutiny Committee Meeting – 12 July 2011.**

1. The Committee at their meeting on Tuesday, 12 July 2011 received a presentation from Peter Tollington, the General Manager of the Central Line, and Michael Grade the local section of the Central Line manager from London Underground Limited (LUL). They gave a presentation covering their current plans for refurbishment of the stations and tracks in the district and an outline of their plans for the upcoming Olympic Games. They told us the line handles 650,000 people a day and is at capacity in the rush hour with 79 of their 85 trains being used. They hope to have “refurbished” the trains with new seats and windows by May 2012.

2. The meeting was then opened out to a long session of questions from the members. The questions ranged from the capacity on trains, engineering works, oyster cards, security at unmanned stations and parking issues outside the stations. Peter Tollington confirmed that at present there were no plans to increase capacity of parking at any station at present but members proposed several possible improvements to parking at the stations in our area which he agreed to investigate. The LUL representative’s answers proved to be very helpful and informative and he also promised to get back to members with some extra information on questions where he needed to check the details.

3. The meeting next considered a report on the Lea Valley Regional Park Authority and the Olympic and Paralympics Games and the legacy benefits for the district. This would be increased sports participation, volunteering, tourism and cultural opportunities. One of the main contractors had offered a number of apprenticeships to young people. The White Water Centre, uniquely, had already been opened to the public and was proving very successful. We noted a multi partnership Olympic Legacy Board had been established with a temporary two year Olympic Officer post to maximise the legacy potential and development opportunities. A consultants report has been prepared for the Legacy board on development and regeneration opportunities and we are waiting for an official copy.

4. The Committee next received three reports from the Constitution and Member Services Standing Panel. The first was a review of the referendum and District and Parish / Town Council elections held in May. This was a round up of the problems faced and the

solutions put in place in the running of the elections. There were no significant problems encountered this year and the Committee were happy with the outcomes. The second report was on the Member Complaints Panel and the revision of the council's constitution in regards to the limits of jurisdiction of the Panel. The last report was on changing the member substitution rules, allowing for last minute substitutions up to 60 minutes prior to the meeting. Both these reports are on the Council agenda for this meeting for consideration and agreement.



## ***Report to the Council***

**Committee:** Cabinet **Date:** 26 July 2011  
**Subject:** Environment Portfolio Holders Report  
**Portfolio Holder:** Councillor J Knapman **Item:** 7(c)

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### **Recommending:**

That the report of the Environment Portfolio Holder be noted

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### **Waste**

1. I mentioned in my last report our intention to undertake a public satisfaction survey as part of our consideration of what a future waste contract might look like. At the present time I am considering a range of options for the future including contract extensions with our current provider and retendering all or part of the service. The advice we shall receive from our consultants, WYG, on procurement and market options will be key to my final recommendations. I hope to be in a position to report back to Cabinet at its meeting in September. In the meantime I am holding back on the public consultation exercise to enable the school holiday period to pass so we can hopefully get a better response to the exercise. Officers will inform Members through the Bulletin of when the exercise is to commence.

### **Environmental Health**

2. The Food Standards Agency (FSA) is encouraging Local Authorities to introduce the hygiene rating system (scores on the doors) to their areas. Restaurants, takeaways, cafés, sandwich shops, pubs, hotels, supermarkets and other retail food outlets, as well as other businesses where consumers can eat or buy food, will be given a hygiene rating as part of the scheme.
3. There are six hygiene ratings on a simple numerical scale ranging from '0' (urgent improvement necessary) at the bottom to '5' (very good) at the top.
4. Consumers can access ratings at [food.gov.uk/ratings](http://food.gov.uk/ratings) and businesses will be encouraged to display stickers and certificates showing their rating at their premises.
5. The FSA is making funding for the introduction of the scheme available to local councils. We have recently been informed that our bid was successful and that we will be receiving approximately £11,000.

### **Bobbingworth Nature Reserve (former landfill site)**

6. The former landfill site has been fully restored and the Chairman of the Council performed the opening ceremony on Friday the 15<sup>th</sup> of July. The site is now open for the members of the public and I am sure will be a valued asset for the

local community. I would like to thank, members of both District and Parish Councils, officers as well as the local community for the patience and support during the construction works.

### **Transfer of Private Sector Drainage to Utility Companies**

7. Members will be aware through the Bulletin that responsibility for most private sewers is going to transfer from private owners to Water and Sewage companies from 1 October 2011. This is a significant change in the way these services are managed. Officers are in close discussion with Thames Water and I shall be providing more information as it becomes available.

### **Visit to a Transfer Station**

8. I am aware that Members have expressed an interest in visiting a waste transfer station. As the transfer stations are operated by Waste Disposal Authorities officers are liaising with the County Council to arrange a visit to a suitable location. Information will be made available through the Bulletin once further details become available.

# ***Report to the Council***

**Committee: Cabinet**

**Date: 26 July 2011**

**Subject: Finance and Economic Development Portfolio**

**Portfolio Holder: Councillor G Mohindra**

**Item: 7(d)**

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**Recommending:**

**That the report of the Finance & Economic Development Portfolio**

**Holder be noted**

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## **Accountancy**

The Statutory Statement of Accounts has been completed and submitted to the external auditors. When the audit has been concluded and the Accounts have been scrutinised by the Audit and Governance Committee they will be submitted to Council for approval in September. The full implementation of International Financial Reporting Standards has made the Statutory Statement of Accounts longer and more complex so the report to Council will include a commentary and explanations of the key issues.

Members may recall that the Council obtained £150,000 of grant funding from Improvement East for a range of efficiency projects. Many of the projects are underway and the Director of Finance & ICT has met with PricewaterhouseCoopers to take forward their work on Revenue Income Optimisation. Some of the funding was allocated to an exercise called Prioritised Resource Planning which will be undertaken by Ernst & Young and the Leader and I met with Ernst & Young recently to discuss the scope of their review. Further reports will be made to Cabinet and Council on all of the projects as they progress.

## **Benefits**

All of the performance data for the first quarter of 2011/12 will be reported to the Finance and Performance Management Scrutiny Panel on 20 September, although I am able to share some of that data now. The first quarter is always the heaviest in terms of workload for Benefits with annual changes to process. The average time taken to process a new benefit claim in quarter one was 26.27 days, this is behind the target of 23 days but is an improvement on the average of 29.45 days for the first quarter of 2010/11. Similarly for processing changes of circumstance, the average time taken is 9.72 days which is behind the target of 8 days but better than the 2010/11 figure of 10.67 days in the first quarter. Both targets for new claims and changes of circumstance should still be achieved over the year as a whole.

## **Revenues**

The collection statistics for the first quarter will also be reported to the Finance Scrutiny Panel. So far, despite the economic conditions, collection rates for both Council Tax and Non-Domestic Rates are marginally ahead of last year. In the first quarter of this year 27.50% of Council Tax has been collected, compared to 27.39% in 2010/11. The year on year comparison is slightly better for Non-Domestic Rates as 30.44% has been collected in the first quarter, compared to 30.03% last year.

## **Economic Development**

The Lea Valley White Water Canoe Centre Study has now been completed. The main items coming out of the study are to do with the need to produce a master plan for the area surrounding the White Water Centre and explore the feasibility of short and medium term actions in the lead up to the Olympics, such as promoting festivals and events. Longer term actions include looking at diversifying the offer of activities and events in the area, potential new facilities and branding and marketing in order to make the area a preferred destination. Copies of the study will be circulated shortly and a presentation made by the joint Olympics Officer to the Local Development Framework Cabinet Committee in the autumn.

An important sector in the local economy of the district is the glasshouse industry. The area around the Lee Valley produces around 80% of the UK's cucumbers and is starting to contribute substantially towards the national tomato and pepper supply. As with many sectors it has had to deal with major challenges recently and as a result the local community are now becoming much more aware of the importance of this business sector. A mix of private/public and voluntary groups have now started to work together to further raise the profile and celebrate this 'unique' element of our local economy through National Cucumber Day and The Great British Cucumber Festival – both of which will be celebrated on 17 September at Abbey Gardens. This work is also feeding into the local economy strategy and tourism strategy.

## **Performance Management**

### **Corporate Plan 2011-2015**

The new Corporate Plan for 2011/12 to 2014/15 has recently been published on the Council's website. Although responsibility for the Corporate Plan falls within the Leader's Portfolio, the development of the Plan has been led by the Performance Improvement Unit.

Some hard copies of the Corporate Plan will be printed in due course, for distribution to Members and the Council's information centres etc., although printed numbers of the physical document will be kept to a minimum. In the meantime, the Plan can be viewed and downloaded from the website at [http://www.eppingforestdc.gov.uk/Library/files/Performance Management Unit/Corporate%20Plan%202011-15.pdf](http://www.eppingforestdc.gov.uk/Library/files/Performance_Management_Unit/Corporate%20Plan%202011-15.pdf)

Progress against the Corporate Plan key objectives for 2011/12 will be reported to the Cabinet and the Overview and Scrutiny Committee in October 2011 and April 2012.

## **Key Performance Indicators 2011/12**

The targets for each of the Council's Key Performance Indicators (KPI) for 2011/12 have now been agreed and, for the first time, some KPI targets have been subject to a profiling exercise. This has involved loading performance expectations into particular quarters where higher performance levels have previously been experienced, such as the higher proportion of Council Tax collection that traditionally occurs in the first three quarters of the year.

Previously, most annual KPI targets had simply been split equally across the four quarters of the year. The profiling of KPI targets in this structured and calculated way more accurately reflects anticipated performance patterns throughout the year and helps to meet the performance information requirements previously identified by the Finance and Performance Management Scrutiny Panel.

The Finance and Performance Management Cabinet Committee and Scrutiny Panel have agreed that a corporate target of 70% be set for the achievement of improvement against the KPIs for 2011/12.

## **Estates**

Work is continuing on the potential Langston Road Development and a meeting of the District Development Committee has been scheduled for 5 September to consider a planning application.

In addition to the high profile work on potential developments the Estates Section have important ongoing work in managing the Council's commercial properties. One aspect of this is lease renewals and I am pleased to report that one significant renewal has recently been agreed, subject to contract, at £35,000 per annum. This was originally let as a ground lease in 1952 at £80 per annum; the substantial increase now is due to the new lease reflecting the full market value of the buildings on the site. This example highlights the important role of the Estates Section in balancing our overall budget.

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## ***Report to the Council***

**Committee:** Cabinet

**Date:** 26 July 2011

**Subject:** Support Services Portfolio

**Portfolio Holder:** Councillor John Wyatt

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**Recommending:**

**That the report of the Support Services Portfolio Holder be noted.**

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### **Freedom of Information Act 2000 – Publication Scheme Review**

There is a requirement under the Act to maintain a publication scheme. One of the actions for 2011/12 included within the Office of the Chief Executive Business Plan is to review the Council's current publication scheme by the end of the calendar year 2011.

The publication scheme can be regarded as the "proactive" obligation imposed by the Act routinely to publish information and can be contrasted with the "reactive" obligation to respond to FOI requests.

The legislation requires that a publication scheme must specify the following:

- (a) the classes of information that the Council publishes or intends to publish ;
- (b) the manner in which information in each class is, or is intended to be, published; and
- (c) whether the material is, or is intended to be, available to the public free of charge or on payment.

A scheme must be approved by the Information Commissioner. However, in practice there is a model scheme which avoids the need for the Information Commissioner to approve every scheme. The Council's current publication scheme follows the model scheme and is structured by reference to seven broad categories –

**Who we are and what we do** – organisational information, locations and contacts, constitutional and legal governance;

**What we spend and how we spend it** – financial information relating to projected and actual income and expenditure, tendering, procurement and contracts;

**What our priorities are and how we are doing** – strategy and performance information, plans, assessments, inspections and reviews;

**How we make decisions** – policy proposals and decisions, decision-making processes, internal criteria and procedures, consultations;

**Our policies and procedures** – current written protocols for delivering our functions and responsibilities;

**Lists and registers** – information held in registers required by law and other lists and registers relating to the functions of the Council;

**The services we offer** – advice and guidance, booklets and leaflets, transactions and media releases, a description of the services offered.

The following must not be included in a publication scheme –

- (a) information exempt from disclosure under the Act;
- (b) draft documents;
- (c) information that is not readily available (eg. archived).

In relation to the availability of information, the Information Commissioner expects it to be published on the Council's website if possible. He also recognises that in exceptional circumstances some information may only be available for inspection by an individual in person – in such a case contact details to arrange an inspection must be given.

Scope for charging for information included in a publication scheme is limited bearing in mind that information published and accessible via a website is provided free of charge. Any fee must be justified and transparent and if a fee is not indicated in the publication scheme a charge cannot be made.

The more information that is covered by and published under a publication scheme, the more often the Council can respond to a written request stating that the information is held but is exempt under section 21 with a direction referring the applicant to the publication scheme. Information voluntarily disclosed by the Council might not necessarily fall within the exception if it is not in the publication scheme.

Officers are currently reviewing the publication scheme and I will be making a Portfolio Holder decision later in the year proposing adoption of a revised scheme.

### **Equality Act 2010 (Specific Duties) Regulations 2011**

On 5 April 2011 the Government brought into force the public sector equality duty, contained in section 149 of the Equality Act 2010, for public authorities in Great Britain.

The equality duty requires public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. It supports good decision making by ensuring that public authorities understand how different people will be affected by their activities, so that services are appropriate and accessible to all, and meet different people's needs.

To assist public authorities in the better performance of the Equality Duty, the Government has laid before Parliament for approval the Equality Act 2010 (Specific Duties) Regulations 2011. These regulations will promote the better performance of the equality duty by requiring those public authorities to publish:

- equality objectives, at least every four years
- information to demonstrate their compliance with the equality duty, at least annually

The latter will need to include, in particular, information relating to their employees (for authorities with 150 or more staff) and others affected by their policies and practices, such as service users.

The publication of this information will ensure that public authorities are transparent about their performance on equality. This transparency will drive the better performance of the equality duty without burdening public authorities with unnecessary bureaucratic processes, or the production of superfluous documents. Public authorities will have flexibility in deciding what information to publish, and will be held to account by the people they serve.



With the exception of schools, public authorities will be required to publish relevant information demonstrating their compliance by 31 January 2012, and their first equality objectives by 6 April 2012.

The Government will be working closely with the Equality and Human Rights Commission to ensure that clear non-statutory guidance is available to public authorities to help them to comply with these regulations.

### **Fleet Operations - Langston Road Depot Loughton**

As this report had to be prepared for circulation before the Cabinet meeting on 18 July my report is subject to the Cabinet having approved the proposal at their meeting with a consequent recommendation to Council to approve a supplementary Capital estimate.

The proposal concerns capital investment of £24,000 for the purchase and installation of a new one man operated ramp/lift and ancillary equipment to increase the capacity for undertaking MOT tests.

Demand for MoT work is increasing and at present an average of twenty tests per week are having to be turned away because of lack of capacity. This represents a potential lost income of £46,000 per annum.

The new ramp/lift will provide capacity for an additional 60 tests per week which has the potential to generate additional income that could achieve a total operating surplus of over £200,000 in a full financial year.

However it will take some time to generate sufficient extra business to reach the maximum potential but the investment costs could be recouped in nine weeks of the new ramp being installed and made operational.

Based on 6 months potential additional income for the remainder of 2011/12 it is estimated that the operating surplus would exceed £100,000.

This represented a sound business case for the investment which will generate much needed additional income for the Council in the coming years without conflicting with local authority trading regulations.

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## ***Report to the Council***

<b>Committee:</b>	Cabinet	<b>Date:</b>	26 July 2011
<b>Subject:</b>	Safer, Greener and Highways Portfolio Holders Report		
<b>Portfolio Holder:</b>	Councillor	<b>Item:</b>	7(h)

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### **Recommending:**

That the report of the Safer, Greener and Highways Portfolio Holder be noted

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### **Community Safety**

1. The Gaynes Park Polo event was generally uneventful both at the venue and in Epping High Street once the event was over. As ever there were lessons to be learned especially around the marshalling of traffic and these concerns will be passed back to the organisers in respect of any future event.
2. The Safer Communities Team together with the Partnership analyst has developed a public perception questionnaire which will be available to complete on the Council's web site by the end of July. The responses to the questionnaire will be used to guide the next strategic intelligence assessment and Partnership plan.
3. Cross border links have been strengthened by the Council's Anti-social Behaviour Investigators who have organised and established local liaison meetings with the Essex Neighbourhood Policing Team and Metropolitan Police Safer Neighbourhoods Officers from Redbridge. Local arrangements are now in place to carry out joint monitoring of persons subject to Acceptable Behaviour Contracts who live cross border but where their anti-social behaviour affects this District. This will particularly benefit those parts of the District that border with the London Borough of Redbridge. Case work for the Investigators has increased 27% compared with the same period last year.
4. The newly upgraded car park CCTV cameras in Cottis Lane, Epping have helped identify and apprehend two suspects from Clacton who allegedly carried out a robbery on an eighty year old male, stealing his bag and walking frame. In Pyrles Lane, Loughton CCTV evidence was used to support the prosecution of alleged fly-tipping. The perpetrator was fined £145 and ordered to pay £400 costs, which included clear up costs.
5. Officers are continuing to work with Essex Police Crime Reduction Officer for the district carrying out joint visits to victims of crime. Over 40 visits have taken place this year to vulnerable victims, which include those who have experienced burglary of their homes, bogus callers or serious domestic abuse.

6. Essex Police are continuing to consult on their proposals for changing the structure of policing in Essex. I have issued an invitation to the Chief Constable and the Chairman of the Police Authority to address members at a special Overview and Scrutiny Committee meeting, when an invitation will also be extended to other interested parties such as the Local Strategic Partnership and the Safer Communities Partnership. As soon as arrangements have been settled, I will inform members via the bulletin.

### **Sustainability etc**

7. Officers on the Green Corporate Working Party have instigated a review into the management of the Council's commercial waste (i.e. waste that is collected from the offices). It has been found that more could be done to ensure that the Council's commercial waste is recycled and the possibility of changing waste contractors to improve on this is being investigated. A trial exercise is currently being carried out by SITA to examine the suitability of the Council's commercial waste to SITA's waste separation/recycling process.
8. The Environmental Co-ordinator is carrying out an investigation into the Council's energy and fuel use for the past 3 years, with a view to calculating a baseline of green house gas emissions, against which subsequent reductions in emissions can be measured. On April 13<sup>th</sup> 2011, in a letter to Local Authorities, the Department of Energy and Climate Change requested that all Local Authorities publish detailed emissions data on their websites.

### **Parking**

9. The first full meeting of the North Essex Parking Partnership was held on the 28<sup>th</sup> of June at Chelmsford. At this meeting we considered the Terms of Reference and the protocols for the operation of the Partnership. We also considered the operational protocols covering such issues as the Partnership's core objectives, the issue of Penalty Charge Notices (PCNs), challenges to PCNs, complaints against enforcement action, dispensations, emergencies etc. Although enforcement within this District remains with this Council, through its contract with Vinci Park, as members of the Partnership we shall be bound by the same protocols to ensure consistency throughout north Essex. I shall be presenting a report to Cabinet in due course seeking the adoption of these protocols.

### **Parking Reviews**

10. Following the last council in June, the Leader of Council has written to the County Cabinet Member with responsibility for highways, giving her the assurances required on the outcomes of the Epping parking review and seeking early signature of the Order and then implementation. The timescales for the Buckhurst Hill and Loughton reviews remain uncertain at this time whilst we establish with the County how and by whom these are to be undertaken.

## ***Report to the Council***

**Committee:** Cabinet

**Date:** 26 July 2011

**Portfolio Holder:** Councillor Gagan Mohindra

**Item:** 11

(Finance & Economic Development)

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### **1. COUNCIL'S TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2011/12 TO 2013/14**

#### **Recommending:**

That the amended 2011/12 Treasury Management Strategy Statement and Annual Investment Strategy 2011/12 to 2013/14 including amended Treasury Management Prudential Indicators attached to this report be approved.

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#### **Background**

1. The Council's treasury activities are strictly regulated by statutory provisions and a professional code of practice. There is a requirement for the Council to approve its treasury and investment strategy and prudential indicators each year.
2. The Council approved the Treasury Management Strategy and Investment Strategy for 2011/12 and the Prudential Indicators for 2011/12 to 2013/14 in February 2011 as part of the budget process.
3. However, following the Government announcement to proceed with the Housing Self Financing through the Localism Bill, there is a need to amend the strategy and prudential indicators.

#### **Reason for the Change to the Approved Strategy**

4. The Council has been debt free since 2004 and the original strategy approved in February 2011 advised that there was no need to borrow in order to finance the Council's capital programme. The previous Government announced an intention to review the current Housing Subsidy System with a view to dismantling it and to offer councils the possibility to buy themselves out of the subsidy system. The current Government is proceeding with this proposal and as part of the Localism Bill from April 2012 the subsidy system will be dismantled and a self-financing regime will start. This will result in the Council needing to pay the Department of Communities and Local Government approximately £200M to buy itself out of the subsidy system.
5. Officers have had discussions with Arlingclose, the Council's treasury advisors, who have advised that the Treasury Strategy needs to be updated to allow the Council the powers to borrow the amount required during the current financial year.

#### **Capital Financing Requirement (CFR)**

6. The Council's estimated total CFR will change from March 2012 onwards to reflect the need to pay the Department of Communities and Local Government approximately £200M.

	<b>31/02/2011</b>	<b>31/03/2012</b>	<b>31/03/2013</b>	<b>31/03/2014</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Total CFR</b>				
Original Strategy	-0.784	-0.784	-0.784	-0.784
Amended Strategy	-0.784	179.216	179.216	179.216
<b>Cumulative Net Borrowing Requirement / (Investments)</b>				
Original Strategy	-50.784	-47.784	-43.784	-37.784
Amended Strategy	-50.784	132.216	136.216	142.216

### Ratio of Financing Costs to Net Revenue Stream

7. This looks at the affordability of financing costs to the Council's net revenue stream and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of revenue budget required to meet borrowing costs. This will change due to the increase in financing costs from the interest payments due on the loan.

	<b>31/02/2011</b>	<b>31/03/2012</b>	<b>31/03/2013</b>	<b>31/03/2014</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>General Fund</b>				
Original Strategy	-1.67	-2.01	-3.40	-4.36
Amended Strategy	-1.67	0.54	3.99	6.03
<b>HRA</b>				
Original Strategy	-1.73	-2.05	-3.47	-4.45
Amended Strategy	-1.73	-4.59	30.49	27.98

### External Debt

8. The Council's Authorised Limit sets the maximum level of external borrowing on a gross basis and is the statutory limit determined under Section 3(1) of the Local Government Act 2003. The Operation Boundary links directly to the Council's estimates of the CFR and estimates of other cash flow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but not worse case scenario but without the additional headroom included within the Authorised Limit.

	<b>31/02/2011</b>	<b>31/03/2012</b>	<b>31/03/2013</b>	<b>31/03/2014</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Authorised Limit</b>				
Original Strategy	5.0	5.0	5.0	5.0
Amended Strategy	5.0	200.0	200.0	200.0
<b>Operational Boundary</b>				
Original Strategy	0.5	0.5	0.5	0.5
Amended Strategy	0.5	181.0	181.0	181.0

### **Interest Rate Exposure**

9. There has been no change in the way in which the Council wishes to manage the extent to which it is exposed to changes in interest rates. It should be noted that these rates are now for both investments and borrowing rates.

### **Maturity Structure of Fixed Rate Borrowing**

10. This indicator monitors and limits the concentration of fixed rate debt needing to be replaced at the same time, spreading the risk to excessive exposures to volatility in interest rates when refinancing maturing debt. The Council's original strategy had no borrowing over 12 months, in line with the Council decision to remain debt free. However, under Housing Revenue Account self-financing, the Council will need to borrow and will need to set limits going forward over 12 months. As we are still to determine the exact composition of the debt, the amended strategy proposes to have an upper limit of 100% on each of the duration periods.
11. Although the Minimum Revenue Provision will not change in the strategy, when we undertake the 2012/13 strategy this will need to be changed accordingly.

### **Resource Implications**

12. The Department of Communities and Local Government proposal states that these reforms only have implications for each stock-retaining local authority's ring-fenced Housing Revenue Account, and will not impact on their general finances.
13. This Council is a debt free authority with a negative overall Capital Financing Requirement (CFR), however, the Council does have a positive General Fund CFR of approximately £38M. The impact on the general fund could result in a substantial increase in the cost to the General Fund through Minimum Revenue Provision (MRP) payments of £1.5M and an increase in interest payments of £1.6M.
14. There are indications that mitigation will be put in place so that where an authority has no current requirement to make MRP on its General Fund it will not be required to make MRP as a consequence of self-financing. However, until the detailed regulations are published the effect of any mitigation on both risks cannot be assessed.

15. Currently, the interest payment for the borrowing between the Housing Revenue Account and the General Fund is based on the average rate of return on investment. It is generally agreed that the average rate of borrowing will be higher than the average rate on investment, resulting in potential increase in interest charges to the General Fund.

**Recommendation**

16. We have taken account of the advice received and recommend as set out at the commencement of this report.



# **Epping Forest District Council Treasury Management Strategy Statement and Investment Strategy 2011/12 to 2013/14**

## **Contents**

- 1. Background**
- 2. Balance Sheet and Treasury Position**
- 3. Borrowing Strategy**
- 4. Outlook for Interest Rates**
- 5. Investment Policy and Strategy**
- 6. Balanced Budget Requirement**
- 7. 2011/12 MRP Statement**
- 8. Reporting**
- 9. Other Items**

## **Appendices**

- A. Current and Projected Portfolio Position
- B. Interest Rate Outlook: The Council's, Arlingclose's
- C. Specified Investments for use by the Council
- D. Non- Specified Investments for use by the Council

**Epping Forest District Council**  
**Treasury Management Strategy Statement**  
**and Investment Strategy 2011/12 to 2013/14**

**1. Background**

- 1.1. The Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public Services (the "CIPFA TM Code") and the Prudential Code require local authorities to determine the Treasury Management Strategy Statement (TMSS) and Prudential Indicators on an annual basis. The TMSS also incorporates the Investment Strategy as required under the CLG's Investment Guidance.
- 1.2. CIPFA has defined Treasury Management as:  
*"the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*
- 1.3. The Council is responsible for its treasury decisions and activity. No treasury management activity is without risk. The successful identification, monitoring and control of risk are integral to treasury management activities and include Credit and Counterparty Risk, Liquidity Risk, Market or Interest Rate Risk, Refinancing Risk and Legal and Regulatory Risk.
- 1.4. The strategy takes into account the impact of the Council's Revenue Budget and Capital Programme on the Balance Sheet position, the current and projected Treasury position (Appendix A), the Prudential Indicators and the outlook for interest rates (Appendix B).
- 1.5. The purpose of this TMSS is to approve:
- Treasury Management Strategy for 2011-12 (Borrowing - Section 4, Investments - Section 5)
  - Prudential Indicators – (NB: the Authorised Limit is a statutory limit)
  - MRP Statement – Section 8
  - Use of Specified and Non-Specified Investments – Appendices C & D
- 1.6. The Council approved the adoption of the CIPFA Treasury Management Code on 22 April 2002. The Council has incorporated the changes from the revised CIPFA Code of Practice (November 2009) into its treasury policies, procedures and practices.
- 1.7. All treasury activity will comply with relevant statute, guidance and accounting standards.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

**2. Balance Sheet and Treasury Position**

2.1. The underlying need to borrow for capital purposes, as measured by the Capital Financing Requirement (CFR), together with Balances and Reserves, are the core drivers of Treasury Management Activity. The estimates, based on the current Revenue Budget and Capital Programmes, are:

	<b>31/03/2011 Estimate £m</b>	<b>31/03/2012 Estimate £m</b>	<b>31/03/2013 Estimate £m</b>	<b>31/03/2014 Estimate £m</b>
General Fund CFR	37.519	37.519	37.519	37.519
HRA CFR	-38.303	161.697	161.697	161.697
<b>Total CFR</b>	<b>-0.784</b>	<b>179.216</b>	<b>179.216</b>	<b>179.216</b>
<b>Less:</b> Existing Profile of Borrowing and Other Long Term Liabilities	0.000	0.000	0.000	0.000
<b>Cumulative Maximum External Borrowing Requirement</b>	<b>-0.784</b>	<b>179.216</b>	<b>179.216</b>	<b>179.216</b>
Balances & Reserves	50.000	-47.000	-43.000	-37.000
<b>Cumulative Net Borrowing Requirement/(Investments)</b>	<b>-50.784</b>	<b>132.216</b>	<b>136.216</b>	<b>142.216</b>

2.2

The Council's level of physical debt and investments is linked to these components of the Balance Sheet. The current portfolio position is set out at **Appendix A**. Market conditions, interest rate expectations and credit risk considerations will influence the Council's strategy in determining the borrowing and investment activity against the underlying Balance Sheet position. The Council will ensure that net physical external borrowing (i.e. net of investments) will not exceed the CFR other than for short term cash flow requirements.

**Estimates of Capital Expenditure:**

2.3. It is a requirement of the Prudential Code to ensure that capital expenditure remains within sustainable limits and, in particular, to consider the impact on Council Tax and in the case of the HRA, housing rent levels.

<b>Capital Expenditure</b>	<b>2010/11 Approved £m</b>	<b>2010/11 Revised £m</b>	<b>2011/12 Estimate £m</b>	<b>2012/13 Estimate £m</b>	<b>2013/14 Estimate £m</b>
Non-HRA	8.511	4.786	6.431	2.370	1.221
HRA	6.956	6.636	6.973	6.875	5.831
<b>Total</b>	<b>15.467</b>	<b>11.422</b>	<b>13.404</b>	<b>9.245</b>	<b>7.052</b>

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

2.4. Capital expenditure is expected to be financed as follows:

<b>Capital Financing</b>	<b>2010/11 Approv ed £m</b>	<b>2010/1 1 Revis ed £m</b>	<b>2011/12 Estimate £m</b>	<b>2012/13 Estimate £m</b>	<b>2013/1 4 Estimat e £m</b>
Capital receipts	7.720	3.431	5.801	2.024	0.918
Government Grants	0.841	1.398	0.658	0.396	0.353
Major Repairs Allowance	5.143	4.783	4.873	4.775	3.731
Revenue contributions	1.763	1.810	2.072	2.050	2.050
<b>Total Financing</b>	<b>15.467</b>	<b>11.422</b>	<b>13.404</b>	<b>9.245</b>	<b>7.052</b>
Supported borrowing	0.000	0.00	0.000	0.000	0.000
Unsupported borrowing	0.000	0.00	0.000	0.000	0.000
<b>Total Funding</b>	<b>0.000</b>	<b>0.00</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Total Financing and Funding</b>	<b>15.467</b>	<b>11.422</b>	<b>13.404</b>	<b>9.245</b>	<b>7.052</b>

**Incremental Impact of Capital Investment Decisions:**

2.5. As an indicator of affordability the table below shows the impact of capital investment decisions on Council Tax and Housing Rent levels. The incremental impact is calculated by comparing the total revenue budget requirement of the current approved capital programme with an equivalent calculation of the revenue budget requirement arising from the proposed capital programme.

<b>Incremental Impact of Capital Investment Decisions</b>	<b>2010/11 Approv ed £</b>	<b>2011/12 Estimate £</b>	<b>2012/13 Estimate £</b>	<b>2013/14 Estimate £</b>
Increase in Band D Council Tax	-0.42	0.71	2.33	3.13
Increase in Average Weekly Housing Rents	0.11	1.81	3.99	3.98

**Reform to the Council Housing Subsidy System:**

2.6. CLG consulted on proposals to reform the council housing subsidy system in July 2010. The consultation proposed a removal of the subsidy system by offering a one-off reallocation of debt. Details of the new system were announced in February 2011 and will be introduced in the Localism Bill later this Autumn to enable the new system to start in 2012.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

2.7. This will require the Council to fund the amount owed in the medium term through internal resources and/or external borrowing. The Council has the option of borrowing from the PWLB or the market. The type of loans taken will be decided on in discussions with the Housing directorate, members and the councils' Treasury Advisors.

2.8. The estimate for interest payments in 2011/12 is nil and for interest receipts is £0.667m. The ratio of financing costs to the Council's net revenue stream is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet borrowing costs. The ratio is based on costs net of investment income.

<b>Ratio of Financing Costs to Net Revenue Stream</b>	<b>2010/11 Approved %</b>	<b>2010/11 Revised %</b>	<b>2011/12 Estimate %</b>	<b>2012/13 Estimate %</b>	<b>2013/14 Estimate %</b>
Non-HRA	-2.52	-1.36	0.54	3.99	6.03
HRA	-2.60	-1.40	-4.59	30.49	27.98

### 3. **Borrowing Strategy**

3.1. The Council's balance of Actual External Debt at 31/03/10 (gross borrowing plus other long-term liabilities) is shown in Appendix A. This is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

3.2. The **Authorised Limit** sets the maximum level of external borrowing on a gross basis (i.e. not net of investments) and is the statutory limit determined under Section 3(1) of the Local Government Act 2003 (referred to in the legislation as the Affordable Limit).

3.3. The **Operational Boundary** links directly to the Council's estimates of the CFR and estimates of other cashflow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely, prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.

<b>External Debt</b>	<b>2010/11 Approved £m</b>	<b>2010/11 Revised £m</b>	<b>2011/12 Estimate £m</b>	<b>2012/13 Estimate £m</b>	<b>2013/14 Estimate £m</b>
Authorised Limit	5.0	5.0	200.0	200.0	200.0
Operational Boundary	0.5	0.5	181.0	181.0	181.0

**Epping Forest District Council**  
**Treasury Management Strategy Statement**  
**and Investment Strategy 2011/12 to 2013/14**

- 3.4. The Director of Finance & ICT has delegated authority, within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities. Decisions will be based on the outcome of financial option appraisals and best value considerations. Any movement between these separate limits will be reported to the next meeting of the Council.
- 3.5. In conjunction with advice from its treasury advisor, Arlingclose Ltd, the Council will keep under review the following borrowing options:
- PWLB loans
  - Borrowing from other local authorities
  - Borrowing from institutions such as the European Investment Bank and directly from Commercial Banks
  - Borrowing from the Money Markets
  - Local authority stock issues
  - Local authority bills
  - Structured finance
- 3.6. Notwithstanding the issuance of Circular 147 on 20<sup>th</sup> October following the CSR announcement which increases the cost of new local authority fixed rate loans to 1% above the cost of the Government's borrowing, the PWLB remains an attractive source of borrowing, given the transparency and control that its facilities continue to provide. The types of PWLB borrowing that are considered appropriate for a low interest rate environment are:
- Variable rate borrowing
  - Medium-term Equal Instalments of Principal (EIP) or Annuity Loans
  - Long-term Maturity loans, where affordable
- 3.7. Capital expenditure levels, market conditions and interest rate levels will be monitored during the year in order to minimise borrowing costs over the medium to longer term and maintaining stability. The differential between debt costs and investment earnings, despite long term borrowing rates being at low levels, remains acute and this is expected to remain a feature during 2011/12. The "cost of carry" associated with medium- and long-term borrowing compared to temporary investment returns means that new fixed rate borrowing could entail additional short-term costs. The use of internal resources in lieu of borrowing may again, in 2011/12, be the most cost effective means of financing capital expenditure.
- 3.8. PWLB variable rates are expected to remain low as the Bank Rate is maintained at historically low levels for an extended period. Exposure to variable interest rates will be kept under regular review. Each time the spread between long-term rates and variable rates narrows by 0.50%, this will trigger a formal review point and options will be considered in conjunction with the Authority's Treasury Advisor and decisions taken on whether to retain the same exposure or change from variable to fixed rate debt.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

3.9 The Council is likely to borrow in the region of £200m for housing reform. There is the possibility that the Council may borrow in advance of spending needs. If this occurs, a report to members would be made stating the benefits for undertaking such a transaction.

- 3.10 The rationale for rescheduling would be one or more of the following:
- Savings in interest costs with minimal risk
  - Balancing the volatility profile (i.e. the ratio of fixed to variable rate debt) of the debt portfolio
  - Amending the profile of maturing debt to reduce any inherent refinancing risks.

As opportunities arise, they will be identified by Arlingclose and discussed with the Council's officers.

3.11 Borrowing activity will be reported to the Finance & Performance Cabinet Committee.

3.12 The following Prudential Indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The upper limit for variable rate exposure has been set to ensure that the Council is not exposed to interest rate rises which could adversely impact on the revenue budget. The limit allows for the use of variable rate debt to offset exposure to changes in short-term rates on investments.

The Council's existing level of fixed interest rate exposure is (74)% and variable rate exposure is (26)%.

<b>Interest Rate Exposure</b>	<b>2010/11 Approved %</b>	<b>2010/11 Revised %</b>	<b>2011/12 Estimated %</b>	<b>2012/13 Estimated %</b>	<b>2013/14 Estimated %</b>
Upper Limit for Fixed	100	100	100	100	100
Upper Limit for Variable	50	50	50	50	50

The limits are for both borrowing and investments.

3.13. The Council will also limit and monitor large concentrations of fixed rate debt needing to be replaced. Limits in the following table are intended to control excessive exposures to volatility in interest rates when refinancing maturing debt.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

<b>Maturity structure of fixed rate borrowing</b>	<b>Existing level (or Benchmark level) at 31/03/10 %</b>	<b>Lower Limit for 2011/12 %</b>	<b>Upper Limit for 2011/12 %</b>
under 12 months	0	0	100
12 months and within 24 months	0	0	100
24 months and within 5 years	0	0	100
5 years and within 10 years	0	0	100
10 years and within 20 years	0	0	100
20 years and within 30 years	0	0	100
30 years and above	0	0	100

**4. Investment Policy and Strategy**

4.1. Guidance from CLG on Local Government Investments in England requires that an Annual Investment Strategy (AIS) be set.

4.2. The Council's investment priorities are:

- security of the invested capital;
- liquidity of the invested capital;
- an optimum yield which is commensurate with security and liquidity.

4.3. Investments are categorised as 'Specified' or 'Non Specified' investments based on the criteria in the CLG Guidance. Potential instruments for the Council's use within its investment strategy are contained in Appendices C and D. The Director of Finance & ICT under delegated powers, will undertake the most appropriate form of investments in keeping with the investment objectives, income and risk management requirements and Prudential Indicators. Decisions taken on the core investment portfolio will be reported to the Audit & Governance Committee.

4.4. There are no changes proposed to the investment strategy for 2011/12.

4.5. The Council's current level of investments is presented at Appendix A.

4.6. The Council's in-house investments are made with reference to the outlook for the UK Bank Rate and money market rates.

4.7. In any period of significant stress in the markets, the default position is for investments to be made with the Debt Management Office or UK Treasury Bills. (The rates of interest from the DMADF are below equivalent money market rates, but the returns are an acceptable trade-off for the guarantee that the Council's capital is secure.)

4.8. The Council selects countries and the institutions within them for the counterparty list after analysis and careful monitoring of:



**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

- Credit Ratings (minimum long-term A+ for counterparties; AA+ for countries)
- Credit Default Swaps (where quoted)
- GDP; Net Debt as a Percentage of GDP
- Sovereign Support Mechanisms/potential support from a well-resourced parent institution
- Share Prices (where quoted)
- Macro-economic indicators
- Corporate developments, news and articles , market sentiment.

4.9. The Council and its Treasury Advisors, Arlingclose, will continue to analyse and monitor these indicators and credit developments on a regular basis and respond as necessary to ensure security of the capital sums invested.

4.10. The UK Bank Rate has been maintained at 0.5% since March 2009, and is anticipated to remain at low levels throughout 2011/12. Short-term money market rates are likely to remain at very low levels for an extended period which will have a significant impact on investment income.

4.11. To protect against a lower for longer prolonged period of low interest rates and to provide certainty of income, 2-year deposits and longer-term secure investments will be actively considered within the limits the Council has set for Non-Specified Investments (see Appendix D). The longer-term investments will be likely to include:

- Term Deposits with counterparties rated at least A+ (or equivalent)
- Supranational Bonds (bonds issued by multilateral development banks): Even at the lower yields likely to be in force, the return on these bonds will provide certainty of income against an outlook of low official interest rates.

4.12. The Council has placed an upper limit for principal sums invested for over 364 days, as required by the Prudential Code. This limit is to contain exposure to the possibility of loss that may arise as a result of the Council having to seek early repayment of the sums invested.

No . 12	Upper Limit for total principal sums invested over 364 days	2010/11 Approved £m	2010/11 Revised £m	2011/12 Estimate £m	2012/13 Estimate £m	2013/14 Estimate £m
		30.0	30.0	30.0	30.0	30.0

**5. Outlook for Interest Rates**

5.1 The economic interest rate outlook provided by the Council's treasury advisor, Arlingclose Ltd, is attached at Appendix B. The Council will reappraise its strategy from time to time and, if needs be, realign it with evolving market conditions and expectations for future interest rates.

**Epping Forest District Council**  
**Treasury Management Strategy Statement**  
**and Investment Strategy 2011/12 to 2013/14**

6. **Balanced Budget Requirement**

6.1. The Council complies with the provisions of S32 of the Local Government Finance Act 1992 to set a balanced budget.

7. **2011/12 MRP Statement**

7.1. The Local Authorities (Capital Finance and Accounting)(England)(Amendment) Regulations 2008 (SI 2008/414) place a duty on local authorities to make a prudent provision for debt redemption. Guidance on Minimum Revenue Provision has been issued by the Secretary of State and local authorities are required to "have regard" to such Guidance under section 21(1A) of the Local Government Act 2003.

7.2. The four MRP options available are:

Option 1: Regulatory Method

Option 2: CFR Method

Option 3: Asset Life Method

Option 4: Depreciation Method

7.3. MRP in 2011/12: Options 1 and 2 may be used only for supported expenditure. Methods of making prudent provision for self financed expenditure include Options 3 and 4 (which may also be used for supported expenditure if the Council chooses).

7.4. The MRP Statement was submitted to Council before the start of the 2011/12 financial year. If it is ever proposed to vary the terms of the original MRP Statement during the year, a revised statement should be put to Council at that time.

7.5. The Council's CFR at 31<sup>st</sup> March 2011 is estimated to be negative £0.784m and as such under Option 2 (the CFR method) there is no requirement to charge MRP in 2011/12.

8. **Monitoring and Reporting on the Treasury Outturn and Prudential Indicators**

Treasury activity is monitored monthly and reported internally to the Director of Finance & ICT.

The Director of Finance & ICT will report to the Finance & Performance Cabinet Committee on treasury management activity and Performance Indicators as follows:

(a) Mid-year against the strategy approved for the year.

(b) The Council will produce an outturn report on its treasury activity no later than 30<sup>th</sup> September after the financial year end.

(c) The Audit & Governance Committee will be responsible for the scrutiny of treasury management activity and practices.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

9. **Other Items**

**Training**

CIPFA's Code of Practice requires the Director of Finance & ICT to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, receive appropriate training relevant to their needs and understand fully their roles and responsibilities.

**Investment Consultants**

The Council appointed Arlingclose to act as Investment Consultants from 1 May 2010 for a period of three years. Regular meetings are held with Arlingclose to discuss the performance of the Council's investments and any opportunities arising in the market.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

**APPENDIX A**

EXISTING PORTFOLIO PROJECTED FORWARD

	31 Mar 10 Actual Portfolio £m	%	31 Mar 11 Estimate £m	31 Mar 12 Estimate £m	31 Mar 13 Estimate £m	31 Mar 14 Estimate £m
<b>External Borrowing:</b> Fixed Rate – PWLB Fixed Rate – Market Variable Rate – PWLB Variable Rate – Market						
<b>Total Gross External Debt</b>	0.0		0.0	0.0	0.0	0.0
<b>Investments:</b> <i>Managed in-house</i> - Short-term monies (Deposits/ monies on call /MMFs) - Long-term investments (maturities over 12 months)	-50.5		-50.0	-47.0	-43.0	-37.0
<b>Total Investments</b>	-50.5		-50.0	-47.0	-43.0	-37.0
<b>(Net Borrowing Position)/ Net Investment position</b>	-50.5		-50.0	-47.0	-43.0	-37.0

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

**APPENDIX B**

Arlingclose's Economic and Interest Rate Forecast

	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14
<b>Official Bank Rate</b>												
Upside risk	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	0.50	0.75	1.00	1.25	1.50	2.00	2.50	2.75	2.75	3.00	3.00	3.00
Downside risk	0.00	-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
<b>1-yr LIBID</b>												
Upside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	1.90	2.15	2.40	2.50	2.50	2.75	3.00	3.25	3.50	3.50	3.50	3.50
Downside risk	-0.25	-0.25	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50	-0.50
<b>5-yr gilt</b>												
Upside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	2.75	3.00	3.25	3.50	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.00
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
<b>10-yr gilt</b>												
Upside risk	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	3.80	4.10	4.25	4.50	4.75	4.75	4.75	4.75	4.75	5.00	5.00	4.75
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
<b>20-yr gilt</b>												
Upside risk	0.25	0.25	0.25	0.25	0.25	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.60	4.80	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.00
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25
<b>50-yr gilt</b>												
Upside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Central case	4.50	4.75	4.75	4.75	4.75	4.50	4.50	4.50	4.50	4.75	4.75	4.50
Downside risk	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25	-0.25

- The degree of uncertainty over the medium term outlook for growth and inflation is increasing.
- Given the precarious outlook for growth, rates will rise if there is firm evidence the economy has survived the fiscal consolidation or there is sustained inflationary pressure over the coming months.

Underlying assumptions:

- Consumer Price Inflation dropped back unexpectedly to 4%, led by falling food and non-alcoholic beverages prices, the decrease eases pressure on the Bank of England to raise the Bank Rate. The Bank of England and the Office of Budget Responsibility (OBR) forecast CPI to remain above 4% in the near term.
- The spike in oil prices due to the Middle East crisis has the potential to keep prices higher with a negative impact on real income and growth.
- The activity data in the UK economy has been weak and suggests the bounce back from the 2010 Q4 fall in GDP of 0.5% may disappoint. The outlook for exports remains positive but household purchasing power is constrained by a much-needed adjustment of personal balance sheets

**Epping Forest District Council**  
**Treasury Management Strategy Statement**  
**and Investment Strategy 2011/12 to 2013/14**

(seen through a higher savings ratio and debt reduction) and the effect grows at only a modest pace.

- Consumer confidence and spending continues to be affected by modest wage increases, weak house price growth and a dearth of cheap credit. Unemployment is just under 2.5 million and will increase as the public sector shrinks but private sector employment grows at only a modest pace.
- The 2011 Budget is neutral in impact and maintains the Comprehensive Spending Review's framework of fiscal consolidation, reduction in the deficit and the debt-to-GDP ratio. The OBR is positive on these objectives being achieved. Gilt issuance of £169bn in 2011-12 should be easily absorbed by high investor demand.
- The economic impact of the disaster in Japan will be limited for the UK and Europe but more pronounced for Asian and Australasian economies.
- The European Central Bank raised rates in April in response to rising inflation despite the growing divergence in the business cycles and GDP outlook for the core and peripheral countries.
- S&P has revised its outlook on the long-term rating for the US to negative amidst fears that the government will not agree a medium and long term strategy to tackle their fiscal challenges. This has the potential to negatively impact US yields.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

**APPENDIX C**

**Specified Investments**

**Specified Investments identified for use by the Council**

Specified Investments will be those that meet the criteria in the CLG Guidance, i.e. the investment

- is sterling denominated
- has a maximum maturity of 1 year
- meets the “high credit quality” as determined by the Council or is made with the UK government or is made with a local authority in England, Wales, Scotland or Northern Ireland or a parish or community council.
- the making of which is not defined as capital expenditure under section 25(1)(d) in SI 2003 No 3146 (i.e. the investment is not loan capital or share capital in a body corporate).

“Specified” Investments identified for the Council’s use are:

- Deposits in the DMO’s Debt Management Account Deposit Facility
- Deposits with UK local authorities
- Deposits with banks and building societies
- \*Certificates of deposit with banks and building societies
- \*Gilts: (bonds issued by the UK government)
- \*Bonds issued by multilateral development banks
- Treasury-Bills (T-Bills)
- Local Authority Bills (LA Bills)
- AAA-rated Money Market Funds with a Constant Net Asset Value (CNAV)
- Other Money Market Funds and Collective Investment Schemes– i.e. credit rated funds which meet the definition of a collective investment scheme as defined in SI 2004 No 534 and SI 2007 No 573.

1. *\* Investments in these instruments will be on advice from the Council’s treasury advisor.*

For credit rated counterparties, the minimum criteria will be the lowest equivalent short-term and long-term ratings assigned by Fitch, Moody’s and Standard & Poor’s (where assigned).

*Long-term minimum: A+(Fitch); A1 (Moody’s); A+ (S&P)*

*Short-term minimum: F1 (Fitch); P-1 (Moody’s); A-1 (S&P)*

The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

New specified investments will be made within the following limits:

<b>Instrument</b>	<b>Country/ Domicile</b>	<b>Counterparty</b>	<b>Maximum Counterpart y Limits £m</b>
Term Deposits	UK	DMADF, DMO	No limit
Term Deposits/Call Accounts	UK	Other UK Local Authorities	No limit
Term Deposits/Call Accounts	UK	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent)	10.0
Term Deposits/Call Accounts	Non-UK	Counterparties rated at least A+ Long Term and F1 Short Term (or equivalent) in select countries with a Sovereign Rating of at least AA+	10.0
Gilts	UK	DMO	No limit
T-Bills	UK	DMO	No limit
LA-Bills	UK	Other UK Local Authorities	No limit
Bonds issued by multilateral development banks		(For example, European Investment Bank/Council of Europe, Inter American Development Bank)	10.0
AAA-rated Money Market Funds	UK/Ireland/ Luxembourg domiciled	CNAV MMFs	10.0
Other MMFs and CIS	UK/Ireland/ Luxembourg domiciled	Pooled funds which meet the definition of a Collective Investment Scheme per SI 2004 No 534 and subsequent amendments	10.0

*NB Any existing deposits outside of the current criteria will be reinvested with the above criteria on maturity.*

NB

**Non-UK Banks** - These should be restricted to a maximum exposure of 25-30% per country. This means that effectively all of Epping's investments can be made with non-UK institutions, but it limits the risk of over-exposure to any one country.



**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

<b>Instrument</b>	<b>Country/ Domicile</b>	<b>Counterparty</b>	<b>Maximum Counterpart y Limit £m</b>
Term Deposits/Call Accounts	UK	Santander UK Plc (Banco Santander Group)	10.0
Term Deposits/Call Accounts	UK	Bank of Scotland (Lloyds Banking Group)	10.0
Term Deposits/Call Accounts	UK	Lloyds TSB (Lloyds Banking Group)	10.0
Term Deposits/Call Accounts	UK	Barclays Bank Plc	10.0
Term Deposits/Call Accounts	UK	Clydesdale Bank (National Australia Bank Group)	10.0
Term Deposits/Call Accounts	UK	HSBC Bank Plc	10.0
Term Deposits/Call Accounts	UK	Nationwide Building Society	10.0
Term Deposits/Call Accounts	UK	NatWest (RBS Group)	10.0
Term Deposits/Call Accounts	UK	Royal Bank of Scotland (RBS Group)	10.0
Term Deposits/Call Accounts	UK	Standard Chartered Bank	10.0
Term Deposits/Call Accounts	Australia	Australia and NZ Banking Group	10.0
Term Deposits/Call Accounts	Australia	Commonwealth Bank of Australia	10.0
Term Deposits/Call Accounts	Australia	National Australia Bank Ltd (National Australia Bank Group)	10.0
Term Deposits/Call Accounts	Australia	Westpac Banking Corp	10.0

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

Term Deposits/Call Accounts	Canada	Bank of Montreal	10.0
Term Deposits/Call Accounts	Canada	Bank of Nova Scotia	10.0
Term Deposits/Call Accounts	Canada	Canadian Imperial Bank of Commerce	10.0
Term Deposits/Call Accounts	Canada	Royal Bank of Canada	10.0
Term Deposits/Call Accounts	Canada	Toronto-Dominion Bank	10.0
Term Deposits/Call Accounts	Finland	Nordea Bank Finland	10.0
Term Deposits/Call Accounts	France	BNP Paribas	10.0
Term Deposits/Call Accounts	France	Credit Agricole CIB (Credit Agricole Group)	10.0
Term Deposits/Call Accounts	France	Credit Agricole SA (Credit Agricole Group)	10.0
Term Deposits/Call Accounts	France	Société Générale	10.0
Term Deposits/Call Accounts	Germany	Deutsche Bank AG	10.0
Term Deposits/Call Accounts	Netherlands	ING Bank NV	10.0
Term Deposits/Call Accounts	Netherlands	Rabobank	10.0
Term Deposits/Call Accounts	Sweden	Svenska Handelsbanken	10.0
Term Deposits/Call Accounts	Switzerland	Credit Suisse	10.0
Term Deposits/Call Accounts	US	JP Morgan	10.0

*Please note this list could change if, for example, a counterparty/country is upgraded, and meets our other creditworthiness tools. Alternatively if a counterparty is downgraded, this list may be shortened.*

**Epping Forest District Council  
Treasury Management Strategy Statement  
and Investment Strategy 2011/12 to 2013/14**

**APPENDIX D**

**Non Specified Investments**

**Non-Specified Investments determined for use by the Council**

Having considered the rationale and risk associated with Non-Specified Investments, the following have been determined for the Council's use:

	<b>In-hous e use</b>	<b>Maximu m maturity</b>	<b>Maximu m amount</b>	<b>Capital expenditur e?</b>
<ul style="list-style-type: none"> <li>▪ Deposits with banks and building societies and other local authorities</li> <li>▪ CDs with banks and building societies</li> </ul>	<p>✓</p> <p>✓</p>	5 years	£20m	No
<ul style="list-style-type: none"> <li>▪ Gilts</li> <li>▪ Bonds issued by multilateral development banks</li> <li>▪ Bonds issued by financial institutions guaranteed by the UK government</li> <li>▪ Sterling denominated bonds by non-UK sovereign governments</li> </ul>	<p>✓ (on advice from treasury advisor)</p>	10 years	£10m	No
<p>Money Market Funds and Collective Investment Schemes, which are not credit rated</p>	<p>✓ (on advice from treasury advisor)</p>	<p>These funds do not have a defined maturity date</p>	£10m	No

1. In determining the period to maturity of an investment, the investment should be regarded as commencing on the date of the commitment of the investment rather than the date on which funds are paid over to the counterparty.
2. The use of the above instruments by the Council's fund manager(s) will be by reference to the fund guidelines contained in the agreement between the Council and the individual manager.

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## ***Report to the Council***

**Committee:** Overview and Scrutiny Committee

**Date:** 26 July 2011

**Chairman:** Councillor R Bassett

**Item:** 12

---

### **1. MEMBER SUBSTITUTION AT COMMITTEES**

#### **RECOMMENDING:**

- (1) That Procedural Standing Order 14(4) (i) and (ii) be amended as follows:
    - (a) to permit a leader, Deputy Leader or other appointed member of a political group to notify the Assistant to the Chief Executive of any substitute members to attend a meeting;
    - (b) to require that any political group member so appointed be notified to the Assistant to the Chief Executive at the beginning of each council year;
    - (c) to amend the deadline for notifying substitutes from “not later than 10.00a.m.” to “not later than 60 minutes before the commencement of the meeting concerned”;
  - (2) That these alterations be published in the Constitution;
  - (3) That, if possible, the substitution notification deadline be included on every agenda where this is permitted under the Constitution; and
  - (4) That this process be reviewed after 1 year.
- 

#### **Report:**

1. We have received a report of the Constitution and Member Services Scrutiny Standing Panel on Substitution. The District Council’s Constitution allows for substitutes to be nominated at Overview and Scrutiny Committees/Panels and the District Development Control Committee (Operational Standing Order (14) – Non Executive Bodies).
2. Currently a substitution has to be notified to Democratic Services by 10.00 a.m. on the day of the meeting. The point of contact is a single member for each group. It has recently been the case that a party whip had undertaken this role. We therefore were asked to consider whether it would be more efficient for more members than just the Leader to undertake this role.
3. At the Overview and Scrutiny Committee on 11 April 2011 a request was made for a report to be submitted to the Panel to consider changing the 10.00 a.m. deadline for notification of substitutes to 4.00 p.m. on the day of the meeting. It was agreed that this would provide groups with greater flexibility when arranging substitutions, particularly if apologies are received at short notice.
4. We noted that not all meetings start at 7.30 p.m., for instance the Housing Scrutiny Standing Panel starts at 5.30 p.m. We considered the options available to deal with both issues and propose that substitutions must be notified not later than 60 minutes before the

relevant meeting, whilst on the question of who notifies the substitution, we recommend that the Leader or Deputy Leader or a nominated political group member should undertake this role.

5. We accepted the Standing Panel's proposal that nominated political group member's mentioned above, should be notified to Democratic Services at the beginning of each Council year. We also supported the suggestion of officers that, if possible, the substitution deadline is published in each agenda.
6. We feel that these changes to substitution arrangements will make them easier to operate for all concerned and recommend as set out at the commencement of this report, bearing in mind that, if agreed, the Standing panel undertake to review this in 12 months' time.

## ***Report to the Council***

**Committee:** Overview and Scrutiny Committee

**Date:** 26 July 2011

**Chairman:** Councillor R Bassett

**Item:** 13

---

### **MEMBER COMPLAINTS PANEL – LIMITS OF JURISDICTION**

#### **RECOMMENDING:**

- (1) That revisions to the limits of jurisdiction of the Complaints Panel be approved;
  - (2) That Annex 1 (section 1) to the terms of reference of the Complaints Panel be amended as set out in paragraph 3 and be published in the Constitution.
- 

#### **Report:**

1. We have received a report from the Constitution and Member Services Scrutiny Standing Panel on the Member Complaints Panel. The Member Complaints Panel (CP) is responsible for considering complaints at Step 4 in the Council's complaints procedure. Currently, certain types of complaints fall outside the limits of jurisdiction of the Panel and cannot therefore be considered at Step 4. These limits are published on page C23 of the Constitution as an annex to the terms of reference of the Complaints Panel.

2. These exclusions are:

(a) a complaint about a situation which arose more than 12 months before it was brought to the attention of the Council (unless new information has since been identified which would justify a further review of the complaint);

(b) where an alternative and formal right of appeal exists (e.g. Planning Appeal; Housing Appeal; Benefits Tribunal) and for which the complainant failed to exercise his/her right to appeal within the specified timescale, or has not yet appealed, or has already made such an appeal;

(c) matters which would best be dealt with by the Courts, e.g. Human Rights issues;

(d) matters which would affect the majority of the people in the Epping Forest District, e.g. a complaint that "the Council Tax is too high";

(e) complaints for which a resolution could only be achieved through a change in the law, or a change in the policies of another organisation;

(f) complaints about policies currently subject to a review, or about matters for which it has already been agreed that a policy needs to be reviewed or formulated. (Note - this exclusion does not preclude the consideration of a complaint about the way a policy has been administered, e.g. an allegation that a policy had been administered unfairly, or that the Council had fettered its discretion);

(g) complaints about the frequency of delivery, or the level of a service which is subject to contract conditions (again, a complaint about the way a contract service has been delivered

could still be considered by the CP);

(h) where the customer elects to pursue legal action as a means of determining their complaint. (Note - this would not preclude the CP considering non-legal elements of a complaint, e.g. an allegation of unreasonable delay by the Council in undertaking a statutory or agreed course of action);

3. In recent years, other types of complaints have been made for which consideration by the Complaints Panel was found to be inappropriate. It is therefore recommended that the limits of jurisdiction should be extended to encompass these as well:

**(a) If, at Step 1, 2 or 3 in the complaints procedure, the complainant has already been offered the maximum remedy that the Complaints Panel is empowered to offer.**

Reason – the complainant could gain no additional benefit from a further review at Step 4.

**(b) When there is no evidence that the complainant has suffered any harm or injustice even if there has been administrative fault by the Council.**

Reason – unless the complainant can show that they have suffered an injustice, there are no matters that require rectification. Members are asked to note that the Local Government Ombudsman applies the same exclusion.

**(c) If, at Step 1, 2 or 3 in the complaints procedure, the complainant has already accepted the proposed remedy and has formally confirmed that he or she has done so in full and final settlement of all of his or her complaints.**

Reason – formal acceptance of a remedy concludes the complaint.

**(d) If, by going to Step 4, the complainant would then be left with insufficient time to subsequently submit a complaint to the Local Government Ombudsman within the Ombudsman's 12 month time limit.**

Reason - the Ombudsman will not usually consider a complaint if more than 12 months have elapsed since the complainant first became aware of the problem. If the Council was to insist that all complainants always go through Step 4 before being able to make a complaint to the Ombudsman and, by doing so, the complainant is then unable to comply with the Ombudsman's 12 month rule, this would leave the Council vulnerable to a further complaint that its actions prevented the complainant from being able to exercise their right to request a final review by the Ombudsman.

**(e) If the complaint has already been determined by the Local Government Ombudsman.**

Reason – the decisions of the Ombudsman take precedence over the decisions of the Council.

4. Members were asked to note that, if a complainant feels they have been wrongfully denied a Step 4 review, then they are entitled to make that complaint to the Local Government Ombudsman.

5. We accepted the Scrutiny Standing Panel's proposals to alter the Complaints Panel's terms of references and commend them to the Council.



## ***Report to the Council***

**Committee:** District Development Control

**Date:** 26 July 2011

**Chairman:** Councillor Brian Sandler

---

### **1. ESSEX COUNTY COUNCIL DEVELOPMENT MANAGEMENT POLICIES – ADOPTION AS SUPPLEMENTARY GUIDANCE**

**Recommending:**

**That the Development Management Policies attached to this report be adopted as Supplementary Guidance.**

---

**Report:**

1. A revised policy document dealing with the highway and transport aspects of new development has recently been adopted by Essex County Council as County Council supplementary guidance.
2. The policies reflect the balance between the need for new housing and employment opportunities, the regeneration and growth agenda, and protection of the transport network for the safe movement of people and goods.
3. The document is split into the following five sections:-
  - (a) Highway access policies aimed at protecting the safety and efficiency of the highway network;
  - (b) Broad design standards policies cross referenced to other design documents;
  - (c) Accessibility and transport sustainability policies aimed at minimising the number of journeys by private motor vehicles;
  - (d) Impact and migration policies identifying the requirement on a developer to provide, where necessary, transport assessments, safety audits, and to demonstrate no detrimental impact on congestion on the highway, mitigating measures and maintenance contribution;
  - (e) Policies regarding HGV movements and construction management.
4. We have been informed that Planning Policy Statement 12: Local Spatial Planning refers to supplementary guidance produced by County Council. It states that such guidance will not be a Supplementary Planning Document but that where appropriate consultation and sustainability appraisal has been carried out, the supplementary guidance may be afforded a weight commensurate with a Supplementary Planning Document in decision making. We understand that this will be more likely where the supplementary guidance has been endorsed by the District Council.

5. We have been advised that the County Council Development Management Policies have been the subject of a full public consultation exercise, together with the sustainability appraisal and strategic environmental assessment.
6. Accordingly, we recommend as set out at the commencement of this report.

# Development Management Policies

February 2011



Essex County Council



# Development Management Policies

Essex continues to be a popular place to live and work with its unique combination of a major sea port, an international air port and proximity to the City of London. This has led to development pressures across the county; some of our primary road and rail routes are the busiest in the country. Essex is also very diverse with large market towns, two new towns, a range of villages and small rural hamlets.

For many years Essex has had Transport Development Control Policies to deal with these development pressures, which have served the County well.

These policies reflect the balance between the need for new housing and employment opportunities, the regeneration and growth agenda, and protecting the transport network for the safe movement of people and goods and have the following aims:

- Protect and maintain a reliable and safe highway infrastructure.
- Improve access to services in both rural and urban locations.
- Offer where possible alternative travel options to the private car.
- Support and enhance public transport provision.
- Address the impact of commercial vehicles on the highway network and communities.
- Support the aims and objectives of the County Council as the Highway Authority.

This policy document needs to be read in conjunction with other guidance that shape new development in Essex, in particular The Essex Design Guide, The Urban Place Supplement and the Parking Standards Design and Good Practice document. A Street Materials Guide is also being produced and will be sent out to public consultation in the near future. This will address a range of issues including permeable drainage materials and landscaping.

These policies have been the subject of a full public consultation exercise, together with a Sustainability Appraisal and Strategic Environmental Assessment. They have been approved by Essex County Council Cabinet Members for Highways and Transportation and for Communities and Planning, and as such have been formally adopted as Essex County Council Supplementary Guidance.

There are a number of definitions included to assist with the application of the policies; these can be found at the back of the document.

# Contents

	Page
<b>General Policies</b>	<b>3</b>
DM1 General Policy	3
<b>Highway Access Policies</b>	<b>4</b>
DM2 Strategic Routes/Main Distributors	5
DM3 Secondary Distributors	6
DM4 Other Routes	6
DM5 Secondary or Multiple Vehicular Accesses	7
<b>Design Standards Policies</b>	<b>8</b>
DM6 Estate Roads	8
DM7 Application of Design Standards	9
DM8 Vehicle Parking Standards	9
<b>Accessibility and Transport Sustainability Policies</b>	<b>10</b>
DM9 Accessibility and Transport Sustainability	10
DM10 Travel Plans	11
DM11 Public Rights of Way	12
DM12 Rural Diversification	12
<b>Impact and Mitigation Policies</b>	<b>13</b>
DM13 Transport Assessments	13
DM14 Safety Audits	13
DM15 Congestion	14
DM16 Air Quality	14
DM17 Securing Mitigation	15
DM18 Maintenance Contributions for New Infrastructure	15
<b>HGV/Construction Related Policies</b>	<b>16</b>
DM19 HGV Movement	16
DM20 Construction Management	16
DM21 Minerals and Waste Applications	17
DM22 Maintenance Contributions for Damage to the Existing Highway	17
<b>Definitions</b>	<b>18</b>
<b>Appendix</b>	
Appendix A: Essex County Council's Development Management Route Hierarchy Plan	22
Appendix B: TA/TS Guidelines Thresholds	23
Appendix C: Reference Documents	24

# General Policies

## Policy DM1 General Policy

The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that:

- i. all proposals are assessed and determined in relation to the Development Management Route Hierarchy Policies (Policies DM2 – DM5);
- ii. where vehicular access is accepted in principle; the number of access points will be kept to a minimum on roads designated within the Development Management Route Hierarchy;
- iii. where access is accepted in principle; new access points will be designed and constructed in accordance with the current standards;
- iv. where existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;
- v. all proposals are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- vi. all proposals have safe and convenient access for sustainable transport modes commensurate to its location;
- vii. proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

**Informative:**

The Development Management Route Hierarchy is included at Appendix A.

## Highway Access Policies

Essex County Council's Development Management Route Hierarchy includes motorways and trunk roads which are under the responsibility and jurisdiction of the Highways Agency. Strategic routes, main distributor routes, secondary distributor routes, estate roads and all other adopted roads come under the responsibility and jurisdiction of Essex County Council's Highway Authority. The functions of each of these routes are outlined in the table below:

<b>Route</b>	<b>Function</b>
Strategic Route	The carrying of traffic safely and efficiently between major centres within the region
Main Distributor	The carrying of traffic safely and efficiently between major centres within the County
Secondary Distributor	The carrying of traffic safely and efficiently between substantial rural populations and on through routes in built up areas
Estate Roads	To serve safely and directly residential, industrial and mixed-use development
All other routes in the highway network	To safely provide local access and movement for people and goods

Essex County Council's Development Management Route Hierarchy derives from the County Council's Functional Route Hierarchy which remains for purposes outside of the Development Management remit. The Development Management Route Hierarchy is to be used only in relation to Development Management matters; no other Essex County Council Policies should refer to this hierarchy.



## Policy DM2 Strategic Routes/Main Distributors

### **Between Defined Settlement Areas:**

The Highway Authority will protect the function of Strategic Routes/Main Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

### **Within Defined Settlement Areas:**

The Highway Authority will protect the function of Strategic Routes/Main Distributors within defined settlement areas by:

- iv. ensuring the number of access points is kept to a minimum;
- v. ensuring that where safe access is available to a lower category of road in the Development Management Route Hierarchy, this is used;
- vi. ensuring that new access points will be designed and constructed in accordance with the current standards;
- vii. requiring improvements to existing substandard accesses.

## Policy DM3      Secondary Distributors

### **Between Defined Settlement Areas:**

The Highway Authority will protect the function of Secondary Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

### **Within Defined Settlement Areas:**

The Highway Authority will protect the function of Secondary Distributors within defined settlement areas by:

- iv. ensuring that where there are overriding safety concerns and where access is available to a lower category of road in the Development Management Route Hierarchy this is used;
- v. ensuring that new access points will be designed and constructed in accordance with the current standards;
- vi. requiring improvements to existing substandard accesses.

## Policy DM4      Other Routes

The Highway Authority will protect the function of all other routes by:

- i. ensuring that new access points will be designed and constructed in accordance with the current standards;
- ii. seeking improvement to existing substandard accesses.

## Policy DM5 Secondary or Multiple Vehicular Accesses

### **Between Defined Settlement Areas:**

The Highway Authority will protect the safety and efficiency of the highway network by:

- i. having a general presumption against the use of secondary or multiple accesses on the following categories of road:

Strategic Routes

Main Distributors

Secondary Distributors

### **Within Defined Settlement Areas:**

The Highway Authority will protect the safety and efficiency of the highway network by:

- ii. having a general presumption against the use of secondary or multiple accesses on the following categories of road:

Strategic Routes

Main Distributors

Exceptions may be made where the provision of an additional access point to a single property would result in an improvement to highway safety. In these cases the provision of a secondary access may be allowed subject to it being designed and constructed in accordance with current standards.

### **Informative:**

For further information, please see HPN 12 on Vehicle Crossing Procedures or its subsequent replacement.

## Design Standards Policies

### Policy DM6 Estate Roads

The Highway Authority will ensure that:

- i. where required; residential estates shall be designed to allow access by passenger transport vehicles, emergency vehicles and refuse vehicles. All routes designed to carry passenger transport vehicles will have a minimum carriageway width of 6.75 metres;
- ii. new residential and industrial Estate Roads shall be designed in accordance with the current standards, including the Essex Design Guide, Urban Place Supplement, and relevant national guidance including Manual for Streets, or their subsequent replacement documents, (subject to the limitations as detailed in Policy DM7);
- iii. where an estate road joins a higher classification of road the junction will be designed and constructed in compliance with the standards contained in the Design Manual for Roads and Bridges (DMRB), with the exception of those situations identified in Policy DM7;
- iv. estate roads will be designed with particular emphasis on ensuring a high quality built environment and public realm.

## Policy DM7 Application Of Design Standards

The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by ensuring that all works within the highway comply with the current national and ECC design standards appropriate for the category of road and ensuring that:

- i. visibility splays and stopping sight distances (SSD) for all roads, with the exception of internal estate roads which carry or are intended to carry HGVs and/or passenger transport vehicles at a level of less than 5% of the overall traffic flow, must comply with standards contained within DMRB unless otherwise agreed with the Highway Authority.
- ii. visibility splays and SSD for internal estate roads must comply with standards contained within the Essex Design Guide or Manual for Streets, or their subsequent replacement documents, except where 5% or more of the overall traffic flow consists of Heavy Goods Vehicles (HGVs) and/or passenger transport vehicles;
- iii. where engineering measures have been implemented to provide a pedestrian prioritised environment, visibility splays and SSD must comply with standards contained within the Essex Design Guide or Manual for Streets, or their subsequent replacement documents.

### **Informative:**

For further information, please see the Development Management Forum Eastern Region Practice Note on the application of Manual for Streets or its subsequent replacement.

## Policy DM8 Vehicle Parking Standards

The Highway Authority will ensure that development proposals comply with Essex County Council's current "Parking Standards: Design and Good Practice" document, or its subsequent replacement.

# Accessibility and Transport Sustainability Policies

## Policy DM9 Accessibility and Transport Sustainability

The Highway Authority will ensure that the developer will minimise the number of trips by the private vehicle through the provision of alternative transport modes and/or associated infrastructure by ensuring that:

- i. alternatives to private car use are considered as a first principle in assessing travel impacts on the transportation network and mitigation will be required through the application of comprehensive travel planning options, where impact is identified.
- ii. all development proposals are assessed and determined against the Essex Road Passenger Transport Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- iii. all development proposals are assessed and determined against the Essex Cycling Strategy, or its subsequent replacement, and mitigation will be required where impact is identified including connection to the existing network;
- iv. all development proposals are assessed and determined against the Essex Walking Strategy, or its subsequent replacement, and mitigation will be required where impact is identified including connection to the existing network;
- v. all development proposals are assessed and determined against the Essex Rail Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- vi. all development proposals are assessed and determined against the Essex Schools and Colleges Sustainable Modes of Travel Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- vii. all development proposals are assessed and determined against the Essex Workplace Sustainable Business Strategy, or its subsequent replacement, and mitigation will be required where impact is identified.

## Policy DM10 Travel Plans

The Highway Authority will require the provision of a Travel Plan and monitoring fee as part of any development proposal that meets the following criteria:

- i. all non-residential development proposals with 50 employees or more;
- ii. any education establishment development which increases the number of either pupils or staff will be required to provide a School Travel Plan;
- iii. all new residential dwellings will require the provision of a Residential Travel Information Pack.

**Informative:**

For further information, please see Essex County Council's Travel Plan Guidance notes, 'Helping you create a Business Travel Plan' or its subsequent replacement.

## Policy DM11 Public Rights of Way

The Highway Authority will:

- i. safeguard the existing network of Definitive Public Rights of Way where affected by development, ensuring that it remains protected and open for use by the public and having regard to the Department for Environment, Food and Rural Affairs Circular 1/09, or its subsequent replacement;
- ii. require that, where Definitive Public Rights of Way exists through a development site, it will be retained on its existing alignment and the development designed and laid out to accommodate it. In the event that there is no alternative and the development can not accommodate the existing Definitive Public Right of Way, a diversion and/or alternative route shall be provided. Any such diversion and/or alternative must be approved as convenient and suitable in all respects by the Highway Authority and will be constructed in accordance with current standards;
- iii. require the creation of new and/or enhancement of existing Definitive Public Rights of Way and/or permissive routes to encourage alternative modes of travel;
- iv. take appropriate consideration of Rights of Way reasonably alleged to subsist, where affected by development.

### **Informative:**

For further information please refer to Essex County Council's 'Essex Rights of Way Improvement Plan' and 'Development and Public Rights of Way, Advice Note for Developers and Development Management Officers' or their subsequent replacements.

## Policy DM12 Rural Diversification

The Highway Authority has no general presumption against the reuse of agricultural buildings in rural areas. Each site will be assessed on its own merit and having regard to all other policies contained within this document.

The Highway Authority will consider the net change in road traffic impacts, including but not restricted to vehicle numbers, vehicle types and hours of operation, between existing and proposed land uses.

### **Informative:**

For further information, please see Essex County Council's Rural Diversification Guidance note, or its subsequent replacement.



# Impact and Mitigation Policies

## Policy DM13 Transport Assessments

The Highway Authority will require:

- i. a Transport Statement (TS) to accompany a planning application in accordance with the thresholds as set out in Appendix B, or where the Highway Authority deems it to be necessary;
- ii. a Transport Assessment (TA) to accompany a planning application in accordance with the thresholds as set out in Appendix B, or where the Highway Authority deems it to be necessary;
- iii. a School Transport Statement for development at existing educational establishments where pupil and/or staff numbers are proposed to increase.

### **Informative:**

For further information on Transport Assessment requirements, refer to the Department for Transport's 'Guidance for Transport Assessment' or its subsequent replacement.

The scope of any Transport Assessment and/or Transport Statement is to be agreed with the Highway Authority and the Highways Agency (where the development proposal impacts on the trunk road network) prior to submission of the same to the Local Planning Authority.

## Policy DM14 Safety Audits

The Highway Authority will require:

- i. a Stage 1 Safety Audit report including designer's response where appropriate, to accompany any planning application which seeks to materially alter the existing highway;
- ii. any safety audit accompanying a planning application to have been carried out in accordance with current standards by an independent safety auditor.

## Policy DM15 Congestion

The Highway Authority will protect the safety and efficiency of the public highway by:

- i. requiring the developer to demonstrate that the development proposal has no detrimental impact upon the existing or proposed highway in congestion terms, as measured by assessing existing and proposed link/junction capacity relevant to the development site; or
- ii. requiring the developer to provide appropriate mitigation measures to ensure that there is no detrimental impact to the existing highway.

## Policy DM16 Air Quality

The Highway Authority will assist the Local Planning Authority in the protection of areas that have been designated as unacceptable in terms of air quality by:

- i. having a general presumption against the provision of development that would cause a negative impact to existing designated Air Quality Management Areas (AQMA) through increased traffic or congestion, unless appropriate mitigation measures are provided by the developer.

## Policy DM17 Securing Mitigation

The Highway Authority will consider each proposal for development on its merits by assessing supporting information and will require appropriate highway and/or transportation mitigation in accordance with guidance contained in the ODPM Circular 05/2005 Planning Obligations and the Community Infrastructure Regulations 2010 document or its subsequent replacement. Mitigation will be delivered by way of:

- i. highway/transportation mitigation measures to be undertaken by the developer and/or:
- ii. payment by the developer of an agreed financial contribution/s to enable the Highway Authority to implement highway and/or transportation mitigation measures;
- iii. payment by the developer of an agreed financial contribution/s where an approved, pooled contribution system is in place.

### **Informative:**

The method of securing mitigation required may vary depending on the policies and procedures of the Local Planning Authorities.

## Policy DM18 Maintenance Contributions for New Infrastructure

The Highway Authority will require maintenance payments to be deposited with the County Council:

- i. to maintain new specialist and/or additional infrastructure directly related to the proposed development site and its associated highway works for a period of 15 years;
- ii. for new structures directly related to the proposed development site and its associated highway works for a period of time and for an amount to be agreed on a case by case basis.

### **Informative:**

For further information, please refer to Essex County Council's 'Street Material Guide' or its subsequent replacement.

## HGV/Construction Related Policies

### Policy DM19 HGV Movement

The Highway Authority will protect the safety and efficiency of the highway network by ensuring that any proposals which generate a significant number of heavy goods vehicle movements:

- i. are located in close proximity to Strategic Routes/Main Distributors and/or Secondary Distributors;
- ii. are connected to Strategic Routes/Main Distributors and/or Secondary Distributors via short sections of other roads;
- iii. will where appropriate require the developer to submit and agree with the Highway Authority a routing management plan in relation to heavy goods vehicle movements.

### Policy DM20 Construction Management

The Highway Authority will protect the safety and efficiency of the highway network by ensuring that:

- i. any temporary construction access and/or haul road will be agreed with the Highway Authority prior to commencement of development;
- ii. a Construction Traffic Management Plan is submitted and agreed with the Highway Authority prior to commencement of development;
- iii. details of parking and turning facilities for all construction traffic within the development site are submitted and agreed with the Highway Authority prior to commencement of development;
- iv. details of wheel cleaning facilities within the development site are submitted and agreed with the Highway Authority prior to commencement of development.

## Policy DM21 Minerals and Waste Applications

The Highway Authority will ensure that all applications that propose the importation and/or exportation of either minerals or waste products, in addition to the policies contained within this document, shall adhere to the transportation policies contained within both the current Essex County Council Adopted Minerals Local Plan and the Essex County Council Adopted Waste Local Plan or to their subsequent replacement Local Development Framework Documents as applicable.

### **Informative:**

Please refer to the Essex County Council Minerals Local Plan and Waste Local Plan, or to their subsequent replacement documents for further information.

## Policy DM22 Maintenance Contributions for Damage to the Existing Highway

The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal.

### **Informative:**

Determination of requirements for maintenance will result from a condition survey of the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.

## Definitions

The following definitions are to be used for terms found throughout this document in order to assist with the application of the Development Management policies:

**Air Quality Management Areas (AQMA):** those areas designated by the relevant District or Borough Council as having unacceptable air quality.

**Alternative Transport Modes:** a range of travel modes which reduce the need to use the private car as a primary means of transport.

**Capacity:** efficient operation of the link/junction as measured against the assessment methods in the current standards.

**Category of Road:** as defined in the Essex County Council's Development Management Route Hierarchy, shown in Appendix A.

**Close Proximity:** near or adjacent to; in order to enable direct access where appropriate.

**Current Standards:** national and Essex County Council design standards and guidance.

**Defined Settlement Areas:** the town or village envelope as defined by the relevant Local Planning Authority.

**Definitive Public Rights of Way:** all Public Rights of Way including footpaths, bridleways, and byways. These are classed as highway as defined in the Highways Act 1980.

**Design Manual for Roads and Bridges (DMRB):** Highways Agency/Scottish Government/Welsh Assembly/Dept. for Regional Development Northern Ireland manual for the design and assessment of trunk road schemes.

**Detrimental:** a significant increase in the potential for accidents and/or an increase in traffic flow of 5% or more on any link/junction, or in the case of a congested area of network which already operates at or above 85 per cent of its theoretical capacity, any increase in traffic flow at a link/junction unless otherwise specified by the Highway Authority.

**Development Management Route Hierarchy:** classification of routes within Essex, for Development Management purposes, as shown at Appendix A.

**Directly related:** required predominately for the use of the development for safety, efficiency and/or accessibility reasons.

**Efficient:** minimising queuing and delay on the highway together with maintaining/improving reliability.

**Estate Roads:** those routes which directly serve residential, industrial and mixed-use development.

**Extraordinary use:** each case will be considered and determined on its merits by the Highway Authority.

**Geometry:** geometric design features as specified in the current standards.

**Heavy Goods Vehicles (HGVs):** Any vehicle weighing 7.5 tonnes or more.

**Highway Network:** all land covered by highway rights.

**Independent Highway Consultant:** a highway consultant employed by, but not connected in any way to the planning application, applicant and/or their highway/scheme design.

**Intensification:** increase from the existing level of traffic movements, change in the type and/or size of vehicles and/or change in the pattern of traffic flow.

**Main Distributors:** those routes as defined in the Development Management Route Hierarchy, which serve to carry traffic efficiently and safely between major centres within the County.

**Materially Alter:** alterations or improvements to the highway that alter or disrupt the alignment of the existing highway network.

**Mitigation Measures:** the provision of works or financial contributions to ensure that there is no negative impact on the existing highway as a result of the development proposals.

**Monitoring Fee:** A non-returnable fee deposited to Essex County Council for the monitoring of implementation and targets of the agreed Travel Plan.

**Other Routes in the Highway Network:** those routes which serve to provide local access and movement for people and goods.

**Overriding Public, Environmental, National and/or Regional Need:** as defined by the Planning Framework including sites identified in the adopted national policy statement/document. Planning Policy Statement, Local Development Frameworks, Minerals and Waste Local Plans, Regional Spatial Strategy, extant Local Plan etc; or their subsequent replacement documents.

**Passenger Transport Vehicles:** motorised public service vehicles capable of carrying eight or more fare paying passengers.

**Permissive Routes:** a non-statutory path provided entirely at the discretion of the landowner, which may be closed at any time the landowner chooses.

**Relevant:** as determined by the Highway Authority.

**Required:** as deemed necessary by the Highway Authority in order for full assessment to take place, to meet relevant standards, and/or to mitigate impact.

**Residential Travel Information Pack:** A pack containing detailed information on available facilities for sustainable travel modes such as passenger transport, cycling and walking, or its equivalent.

**Residential Travel Information Pack:** an information marketing scheme for promoting travel by sustainable modes, as approved by Essex County Council. Please refer to the Essex County Council's Residential Travel Information pack document or its subsequent replacement for further details.

**Safe:** as deemed by the Highway Authority following the investigation and analysis of accident history data and compliance with safety audit recommendations and current standards, as appropriate in order to minimise risk.

**Secondary Distributors:** those routes as defined in the Development Management Route Hierarchy, which serve as main connections between substantial rural populations and as through routes to distribute traffic in built up areas.

**School Transport Statement:** a simplified version of a Transport Assessment (TA) for a development proposal relating to the expansion/enlargement of a school, college or other educational institution. (Note: Proposals for new educational establishments will require a Transport Assessment.)

**School Travel Plans:** a document which must be provided and implemented by the developer and agreed by Essex County Council for all proposals relating to education establishments. Please refer to the Essex School Travel Plan Guidelines or its subsequent replacement.

**Secondary or Multiple Accesses:** the provision of additional access points serving a single dwelling, development or parcel of land.

**Short Sections of Other Routes:** the most direct route of suitable dimensions, as specified by the Highway Authority, to connect the site to the Strategic Route/Main Distributor/Secondary Distributor network.

**Significant:** each case will be considered and determined on its merits by the Highway Authority.

**Specialist Infrastructure:** “non-standard” or “extra-over” infrastructure that is not the Highway Authority’s standard type; and/or infrastructure including but not restricted to, as traffic signals, controlled crossings, trees and bus stops directly related to the development.

**Strategic Routes:** those routes as defined in the Development Management Route Hierarchy, which serve to carry traffic efficiently and safely between major centres within the region.

**Structures:** a constructed form, on or adjacent to the highway, including all types of bridges, retaining walls, subways, culverts and gantries.

**Substandard:** does not meet current standards and/or is not considered safe by the Highway Authority.

**Transport Assessment (TA):** a comprehensive and systematic document that sets out transport issues and mitigation measures relating to a development proposal. For further information please refer to the Department for Transport’s ‘Guidance for Transport Assessment’ document or its subsequent replacement.

**Travel Plan:** a document which must be provided and implemented by a developer and agreed by Essex County Council for all types of commercial proposals (including multi-tenant sites), leisure proposals as well as higher education establishments and colleges in order to encourage sustainable modes of travel. For further details please refer to Essex County Council’s travel plan guidance notes ‘Helping you create a Business Travel Plan’ or any subsequent replacement.

**Transport Statement (TS):** a simplified version of a Transport Assessment (TA) for a development proposal that does not require submission of a full TA.



## Appendix

Appendix A: Essex County Council's Development Management Route Hierarchy Plan

Appendix B: Transport Assessment (TA)/Transport Statement (TS) Guidelines Thresholds

Appendix C: Reference Documents

## Appendix B

Transport Assessment(TA)/Transport Statement (TS) Guideline Thresholds:

Use	Thresholds for TSs	Thresholds for TAs
<b>A</b>		
A1 Food retail	250 – 800m <sup>2</sup>	>800m <sup>2</sup>
A2 Non-food retail	800 – 1500m <sup>2</sup>	>1500m <sup>2</sup>
A2 financial and professional services	1000 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
A3 restaurants and cafes	300 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
A4 drinking establishments	300 – 600m <sup>2</sup>	>600m <sup>2</sup>
A5 hot food takeaway	250 – 500m <sup>2</sup>	>500m <sup>2</sup>
<b>B</b>		
B1 business	1500 – 2500m <sup>2</sup>	>2,500m <sup>2</sup>
B2 general industry	2500 – 4000m <sup>2</sup>	>4,000m <sup>2</sup>
B8 storage and distribution	3000 – 5000m <sup>2</sup>	>5,000m <sup>2</sup>
<b>C</b>		
C1 Hotels	75 – 100 bedrooms	>100 bedrooms
C2 residential – hospital, nursing homes	30 – 50 beds	>50 beds
C2 residential – education	50 – 150 students	>150 students
C2 residential – institution hostel	250 – 400 residents	>400 residents
C3 Residential	25 – 50 units	>50 units
<b>D</b>		
D1 non-residential institutions	500 – 1000m <sup>2</sup>	>1000m <sup>2</sup>
Primary and secondary education	School TS where an increase in staff/pupil numbers is proposed	Any new school
Higher and further education	0 – 50 pcus	>50 pcus
D2 Leisure and assembly	500 – 1500m <sup>2</sup>	>1500m <sup>2</sup>
Others	Discuss with LHA	Discuss with LHA

## Appendix C

### Reference Documents:

- Borough and District Councils’ Local Development Framework Documents, for further information please contact the relevant District or Borough Council.
- Circular 1/09 - Rights of Way, Guidance for Local Authorities, October 2009, Department for Environment, Food and Rural Affairs.
- Circular 05/2005 – Planning Obligations, July 2005, Office of Deputy Prime Minister.
- Design Manual for Roads and Bridges, loose leaf volumes dating from 1992 onwards, The Highways Agency/Scottish Government/Welsh Assembly Government/ The Department for Regional Development Northern Ireland.
- Development Management Forum, Eastern Region, Practice Note: Manual for Streets 1 and 2 (MfS) – Position Statement.
- Essex County Council Development for Public Rights of Way - Advice Note for Developers and Development Management Officers, January 2010, Essex County Council.
- Essex County Council Guidance Notes for Workplace Travel Plan Framework for Development with Multiple Occupiers.
- Essex County Council Guidance Notes for Workplace Travel Plan Framework for Development with a Single User.
- Essex County Council’s Minerals and Waste Framework Documents.
- Essex County Council Rural Diversification Guidance Note.
- Essex Cycling Strategy, August 2001, Essex County Council.
- Essex Design Guide, 1997 revised 2005, Essex County Council.
- Essex Walking Strategy, August 2001, Essex County Council.
- Essex Rail Strategy 2006 – 2011 and Beyond, October 2005, Essex County Council.
- Essex Road Passenger Transport Strategy 2006 – 2011, July 2005, Essex County Council.
- Essex Schools & Colleges – Sustainable Modes of Travel Strategy 2009 – 2011, September 2009, Essex County Council.
- Guidance for Transport Assessment: DfT
- Highways Practice Note 12: Vehicle Crossing Procedures (HPN12).
- Manual for Streets, March 2007, DfT & DCLG.

- Manual for Streets 2 : Wider Application of the Principles, CIHT
- Parking Standards – Design and Good Practice, September 2009, Essex County Council.
- The Community Infrastructure Levy Regulations 2010
- Urban Place Supplement, March 2007, Essex County Council.

**This booklet is issued by**

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