



CABINET
Monday, 23rd July, 2012

Place: Council Chamber
Civic Offices, High Street, Epping

Time: 7.00 pm

Democratic Services Officer: Gary Woodhall
The Office of the Chief Executive
Tel: 01992 564470
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Members:

Councillors C Whitbread (Leader of the Council) (Chairman), Ms S Stavrou (Deputy Leader and Finance and Technology Portfolio Holder) (Vice-Chairman), R Bassett, W Breare-Hall, Mrs A Grigg, D Stallan, H Ulkun, G Waller and Mrs E Webster

PLEASE NOTE THE START TIME OF THE MEETING

1. WEBCASTING INTRODUCTION

- (a) This meeting is to be webcast;
- (b) Members are reminded of the need to activate their microphones before speaking; and
- (c) the Chairman will read the following announcement:

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

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

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

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

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

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

4. MINUTES

To confirm the minutes of the last meeting of the Cabinet held on 11 June 2012 (previously circulated).

5. REPORTS OF PORTFOLIO HOLDERS

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

6. PUBLIC QUESTIONS

To answer questions asked by members of the public after notice in accordance with the motion passed by the Council at its meeting on 19 February 2008 (minute 102 refers) on any matter in relation to which the Cabinet has powers or duties or which affects the District.

7. OVERVIEW AND SCRUTINY

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

(b) To consider any matters that the Cabinet would like the Council's Overview and Scrutiny function to examine as part of their work programme.

8. FINANCE AND PERFORMANCE MANAGEMENT CABINET COMMITTEE - 25 JUNE 2012

(Finance & Technology Portfolio Holder) To consider the minutes from the recent meeting of the Finance & Performance Management Cabinet Committee held on 25 June 2012 and any recommendations therein (report to follow).

9. LOCAL PLAN CABINET COMMITTEE - 2 JULY 2012

(Planning Portfolio Holder) To consider the minutes from the recent meeting of the Local Plan Cabinet Committee held on 2 July 2012 and any recommendations therein (report to follow).

10. ADOPTION OF STANDARD CARAVAN SITE LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL SITES (Pages 5 - 32)

(Chairman of Housing Scrutiny Panel) To consider the attached report (C-012-2012/13).

11. CONSULTATION UPDATE AND TIMETABLE - ST JOHN'S ROAD (EPPING) AREA DEVELOPMENT & DESIGN BRIEF (Pages 33 - 40)

(Portfolio Holder for Asset Management & Economic Development) To consider the attached report (C-013-2012/13).

12. COUNCIL HOUSEBUILDING PROGRAMME - LIST OF POTENTIAL DEVELOPMENT SITES (Pages 41 - 60)

(Housing Portfolio Holder) To consider the attached report (C-008-2012/13).

13. LOCALISATION OF COUNCIL TAX SUPPORT (Pages 61 - 70)

(Finance & Technology Portfolio Holder) To consider the attached report (C-009-2012/13).

14. EXTENSION OF INSURANCE CONTRACT (Pages 71 - 74)

(Finance & Technology Portfolio Holder) To consider the attached report (C-010-2012/13).

15. FIXED PENALTY NOTICES FOR WASTE RECEPTACLES (Pages 75 - 78)

(Environment Portfolio Holder) To consider the attached report (C-011-2012/13).

16. ANY OTHER BUSINESS

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

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

17. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining

the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

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.

Report to the Cabinet

Report reference: C-012-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Committee: Housing Scrutiny Standing Panel (Chairman – Cllr S. Murray)

Subject: Adoption of Standard Caravan Site Licence Conditions for Permanent Residential Sites in the Epping Forest District

Responsible Officer: Lyndsay Swan
Sally Devine (01992 564149).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations:

(1) That following consultation with park home site owners, residents and statutory consultees, and having regard to Cabinet decision C-069-2010/11, the revised ‘Standard Park Home Site Licence Conditions for Permanent Residential Sites in the Epping Forest District’ attached at Appendix 2 be adopted, including the following clarifications and variations from the Model Standards 2008 for Caravan Sites in England as follows:

(a) That, with regard to closed porches:

(i) Mains-powered, interlinked smoke detection with integral battery back up should be required in all homes that have a closed porch, within 6 months of the date of the site licence. However, where home owners prefer battery powered detection, that they be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home, within no more than 6 months; and

(ii) That funding for the home owner’s preferred option is offered, whilst available, through C.A.R.E’s Handyperson Service to eligible home owners;

(b) That both;

(i) Porches; and

(ii) Decking

be considered as ‘structures’ for the purposes of Condition 2(iv)(c) of the ‘Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District’. Accordingly, any such new structures that extend more than 1 metre into the separation space shall be of non-combustible construction and there must be a 4.5m clear distance between any such structure and any adjacent park home. However, any porches and decking that contravene this Condition shall be allowed to remain until the park home is eventually replaced;

(c) That the following definitions be adopted for the purposes of the Conditions:

(i) With regard to fences, the same guidelines that are applied under Planning

legislation, in terms of adornments and calculation methodology, to assess whether the height of fences meets the requirements of the Site Licence Conditions; and

(ii) With regard to hedges, that a hedge is '*a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier*';

(2) That the Director of Housing be authorised to amend the licensing conditions to take account of any alterations to the licensing conditions agreed by the Cabinet on the recommendation of this Panel and any other changes made by the Cabinet itself; and

(3) That, if in the future, local authorities are able to charge for park home licensing functions, the Council reserves the right to charge for such functions in line with the relevant statutory legislation introduced.

Executive Summary:

It is a statutory requirement for local authorities to issue licences on all their park homes sites and to decide what conditions to attach. In 2008, the Government produced new standards for permanent residential park homes sites, providing a framework upon which councils can base the conditions they attach when re-licensing sites.

The Council's current standard site licence conditions have not been revised for many years and the Cabinet has previously determined that it would now be appropriate to set new conditions for the permanent, residential sites that are in line with these national 'model' standards, but to also include variations to take account of local circumstances and historic agreements, following consultation with park home residents and site owners.

Following two separate consultation exercises and consideration by both the Overview and Scrutiny Committee and the Housing Scrutiny Panel, 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District' have previously been agreed and these are attached at Appendix 2.

Since the time the Cabinet agreed the Licence Conditions, some issues have arisen in relation to the proposed Conditions, which officers asked us to consider in detail, which we did at our meeting on 28th June 2012. Accordingly, the Cabinet is asked to agree the changes and exceptions outlined in the Report and Recommendations, which take on board our recommendations with regard to some exceptions, so that new licences can be issued to all site owners of existing residential park home sites in the District.

Reasons for Proposed Decision:

The existing site licence conditions for park home sites in Epping Forest District have not been reviewed for many years. New proposed standard park home site licence conditions for permanent residential sites were previously agreed to ensure conditions are relevant, consistent and will adequately protect the health and safety of people residing at, or visiting, sites within the District.

The Cabinet agreed the conditions that would be attached to the new Site Licences on 18 April 2011 (ref: C-069-2010/11) but, following this certain matters came to light which required further clarification before the site licences could be issued. Further consultation has been undertaken

with site residents, site owners and Essex County Fire and Rescue Service (ECF&RS), whose views must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety.

Bearing all of this in mind, we consider that:

(i) Having regard to all the relevant circumstances of the sites there are justifiable reasons for allowing some further contraventions that take place on the date of the new licence; and,

(ii) The benefits that the new licence conditions will achieve (by complying with the model standards) are outweighed by the interests of existing residents and site owners in respect of these issues, having regard to the substantial representations made.

In addition, we recommend that the Cabinet agrees to reserve the right to charge for licensing functions in accordance with the recent Government Consultation document, 'A Better Deal For Mobile Home Owners', as it seems sensible to do so while the site licence conditions are being reviewed. The Cabinet is asked to note that this will require primary legislation and, before charges can be introduced, further consultation will be necessary with interested parties and, following this, if appropriate, a further Report will be made to the Cabinet.

Other Options for Action:

The option of not agreeing the variations and allowing the conditions that were agreed by the Cabinet on 18 April 2011 has been discounted as this does not provide sufficient clarity for Officers to enforce Conditions that would be considered acceptable to park home residents and site owners and are within the spirit of the existing Cabinet decision.

For some of the matters under consideration, we considered alternative options which are outlined below. In making our recommendations to the Cabinet, we have had regard to the views of the Fire Authority, which we have been advised must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety. We have also taken into account the views of park home owners and residents, which were made individually, at a consultation evening in November 2011 and by their chosen representatives at our recent meeting.

We have also discounted the option of not considering charging for licensing functions, as it seems prudent to reserve the right to do so while reviewing the site licence conditions.

Report:

1. It is a statutory requirement under Section 5(6) of the Caravan Sites and Control of Development Act 1960 for local authorities to issue licences on all their mobile homes sites and to decide 'what (if any) conditions to attach'. This applies to all park homes sites, including permanent residential sites, static holiday and touring caravan sites. There are currently 16 residential sites, 5 agricultural and 5 holiday sites in the District, the two largest of which are licensed for 250 and 209 units each. Site licence conditions cover health, safety and fire prevention issues and it is an offence for the site owner to fail to comply with the conditions set.

2. The Cabinet is reminded that for legislative purposes the term 'caravan site' is used. However, this is synonymous with the terms 'mobile home' and 'park home' which are more appropriate descriptions of the permanent residential sites now found, and are terms preferred by site owners and residents.

3. In order to ensure that conditions are relevant and in line with current legislation and guidance it is necessary to review and update conditions from time to time. In April 2008, the Government produced new standards for permanent residential park homes sites, the 'Model

Standards 2008 for Caravan Sites in England', providing a framework upon which councils could base their site licence conditions. As the Council's current standard site licence conditions are outdated and have not been revised on many sites for at least 30 years, in 2008 the Council began the process of revising its site licence conditions in line with the model standards.

4. Before amending any site licence the Council is obliged to consult the owner of the park home site and other relevant parties. A consultation process was undertaken on the Council's behalf by a specialist consultant, Park Homes Legal Services Ltd, on suggested new site licence conditions for the District. Comments from respondents were considered and where appropriate the draft conditions were modified accordingly.

5. At its meeting on the 7 June 2010, the Housing Portfolio Holder presented a report to the Cabinet on proposed new licence conditions for all new and existing permanent residential park home sites within the District (C-001-2010/11). Although the Cabinet agreed the recommendations in the Report, two aspects of the decision were called-in by Members, for review by the Overview and Scrutiny Committee.

6. The Committee met on 12 July 2010 to consider the Call-in and referred the decision back to the Cabinet for further consideration. The Housing Portfolio Holder agreed to ask us to undertake a detailed review of all the proposals and make recommendations on the way forward.

7. Last year's membership of the Housing Scrutiny Panel considered this at a meeting on 8 September 2010 and recommended that all residents and site owners be consulted on both the licence conditions proposed by the Cabinet and the Scrutiny Panel's recommendations. Officers carried out a further consultation exercise in December 2010 and the results of the consultation were included in a Report that was considered by the Cabinet on 18 April 2011 (C-069-2010/11) and approval was given adopt licence conditions which included variations from the Model Standards 2008 with regard to:

- (a) Domestic refuse storage disposal;
- (b) Closed porches being allowed if a mains-linked smoke detector is installed in a specified manner;
- (c) The height of hedges and fences between park homes on new and existing sites being no more than 2 metres;
- (d) Trees not being considered to be hedges and therefore not being subject to any height restriction, provided they do not present any nuisance or health and safety risk;
- (e) Sheds not being classed as structures in relation to fire risk; and
- (f) Timber and combustible sheds being allowed in the separation space between park homes.

8. The Cabinet also agreed that the following, being deviations from the conditions contained within the 'Standard Park Home Site Licence Conditions for Residential Sites in Epping Forest District', and also the Model Standards 2008, will be allowed to remain on existing sites, provided they are in place at the date of the new site licence.

- (a) Any park home, or combustible structure, positioned within 3 metres of the boundary of the site;
- (b) Any park home that is located less than 6 metres from any other park home;

(c) Any park home positioned within 2 metres of any road or communal car park within a site ; and

(d) Any porches, larger than 2 metres by 1 metre, unless they pose a fire risk or other danger.

9. Bearing these matters in mind, we were advised that officers carried out inspections on all of the sites, measuring and recording existing arrangements with respect to the positioning of homes and identifying any contraventions to the new Site Licence Conditions, both those that will be allowed and those that need to be remedied. It was important to do this as the Cabinet had agreed that certain contraventions may continue because they were agreed as exceptions to the Conditions and others that were not agreed as exceptions would have to be removed.

10. During the course of Officers' inspections, however, certain anomalies came to light which, not being specifically covered in the Conditions, they felt required a determination from Members on the interpretation to be adopted. These related to:

(a) The type of smoke detection to be considered acceptable in open porches;

(b) Whether porches and timber decking should be considered to be 'structures' under the terms of the Site Licence Conditions; and,

(c) Definitions of 'hedge' and 'fence' for the purpose of the Conditions.

11. It was agreed that site owners and park home residents should be consulted on these matters and that their views should be considered further by the Housing Scrutiny Panel. We were advised that a meeting also took place in January 2012 between the former Leader, the former Housing Portfolio Holder, and representatives of ECF&RS at which they expressed their views. We understand that Fire Officers declined an invitation to attend our meeting but did make a written representation to the Panel. The written comments of the ECF&RS are attached as Appendix 1. Two representatives of the park home residents associations and one representative of the site owners were also invited to give their views orally at our meeting.

12. We convened on 28 June 2012 and were reminded that the Fire Authority, whose views must be taken into account prior to any proposed amendments to site licence conditions affecting fire safety, consider that the Council should adopt the model standards without exception and that its view had not changed. However, we were also reminded that the Model Standards on which the proposed site licences are based do allow the Council to depart from the Model Standards, to exclude or change one or more of the conditions about which residents have concerns if, having regard to the model standards and the views of the Fire Authority, it considers that:

(i) The current licence conditions are adequate in serving their purpose in respect of these issues, and the new standards/conditions should not therefore, be applied;

(ii) Having regard to all the relevant circumstances of the sites, the Council is satisfied that it has justifiable reasons for allowing these contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners; and,

(iii) The benefits that the new licence conditions will achieve (by complying with the model standards) are outweighed by the interests of existing residents and site owners in respect of these issues, having regard to the substantial representations made.

13. The specific issues that we considered and seek the Cabinet's agreement on are detailed below.

Porches and Smoke Detectors

14. This issue relates to park homes with a porch attached. While the 2008 Model Standards allows only one door to either the porch or the home, at its meeting on 18 April 2011, the Cabinet agreed that two doors could be allowed, provided mains-linked smoke detectors are installed both in the porch and the living space of the home, for fire safety. We have been advised that during inspections, however, many homes were found to have two doors but only had battery operated smoke detectors (as opposed to hard-wired) or had hard-wired smoke detectors that were not interlinked to the porch and living space and as such did not meet the specification agreed by the Cabinet.

15. We took into account the considerable resistance from residents against complying with the requirements as they stand and the views of ECF&RS. We were also made aware that additional funding of £20,000 has been made available to the Council's Home Improvement Agency, C.A.R.E., by the County Council's Supporting People Team to provide help to older and/or otherwise vulnerable people on Park Home Sites to meet certain Site Licence requirements.

16. In the light of these matters, although we consider it most appropriate for mains-powered, interlinked smoke detection with integral battery back up to be installed in all homes that have a closed porch, within 6 months of the date of the site licence, where home owners prefer battery powered detection, that they should be allowed to install battery powered systems provided that they are interlinked, with one alarm being placed in the porch and one in the home. We recommend that the Cabinet agrees this (Recommendation (1)(a)(i) and (ii).

Timber Decking

17. The issue under consideration is whether timber decking constitutes a 'structure' under the terms of the Site Licence Conditions. This is important as Condition 2(iv)(c) states that, 'Any structure including steps, ramps etc. (except a shed, garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be 4.5 metres clear distance between any such structure and any adjacent park home.'

18. We were advised that there are many cases on the sites of timber decking extending more than 1 metre into the separation distance and that in some cases decking surrounds the home on 3 sides. Furthermore, in some cases, the installation of timber decking has resulted in the 4.5 metre separation space between structures being compromised, particularly if the distance between the 2 mobile homes is less than the required 6 metres (but is being tolerated by virtue of being in place before the new site licences are issued).

19. We heard that Fire Officers do consider that decking is a structure and that they had again recommended that the Model Standards should be fully complied with in this respect. However, it was clear to us from officers' comments, the written responses received to the most recent consultation exercise and the statements given by representatives at our meeting that park home owners are strongly of the view that decking should not be considered to be a structure and, therefore, not be restricted in terms of size or construction. In the light of this, we considered the following options put forward by officers:

- (a) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) and, therefore, require that any combustible decking that extends more than 1 metre into the separation distance, or any decking that reduces the space between homes to less than 4.5m to be removed within , say, 12 months;

(b) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but to allow any decking that contravenes the Condition, but is in place on the date the licence is issued to remain;

(c) To interpret 'decking' as a structure within the terms of Condition 2(iv)(c) but impose a maximum protrusion into the separation space (e.g. 1.5m), and/or allow a minimum distance between structures (e.g. the required 4.5m); or

(d) To interpret decking as being part of the property and as such allow existing decking to remain by virtue of Condition 2(i).

20. Taking these matters into account, we considered that decking should be considered to be a structure and, therefore, no new decking should be permitted that contravenes Condition 2(iv)(c). However, having regard to all the relevant circumstances, we felt that there are justifiable reasons for allowing contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners and, in accordance with this, we recommend that the Cabinet agrees Option b) above, which appears at 1(b) in the Recommendations to this Report.

Fences

21. The issue under consideration concerns the definition of the term 'fences'. Condition 2(iv)(f) of the Council's Standard Licence Conditions states that, 'fences and hedges, where allowed and forming the boundary between adjacent homes, should be a maximum of 2 metres high'. It should be noted that the Government's Model Conditions state that the height should be 1 metre, but this has already been varied by the Cabinet for the Council's own Conditions.

22. We were advised that, over the years, many residents have erected decorative and sometimes elaborate constructions to separate themselves from their neighbours. These may be incorporated in the fencing (e.g. trellis on top of fencing) or an extension of it (e.g. archways and pergolas) and, as a result, it is subject to interpretation where the fencing starts and finishes as it appears to continue around the whole perimeter of the home.

23. We were also advised that Fire Officers confirm that for trellises, archways and pergolas the issues regarding combustibility are the same as they are for fences and hedges and, therefore, the requirements of the Model Standards in this respect should apply. However, we understand that some site residents have argued that the Condition relates to 'fencing' only and, therefore, any other timber constructions attached to the fencing should be allowed to remain and at any height. Many are very reluctant to remove some of these decorative arrangements as they add character and individuality to their homes and in many cases have been costly to provide.

24. We were informed that Planning legislation includes a requirement that fences over 2m in height require Planning Permission and that officers considered that it would be sensible to apply the same criteria and to measure the height of fences in the same way. We understand that, when applying this legislation, Planning Officers measure the height of fences from ground level to the top including any gravel board and/or trellising.

25. We recommend, therefore, that the Cabinet agrees that the same guidelines that are applied by Planning Officers are used to assess whether the height of fences meet the requirements of the Site Licence Conditions, namely that any construction made of combustible material and attached to a fence or forming a barrier between two homes within the separation distance is considered to be 'a fence'. Consequently, we recommend that the '2m rule' applies to it all, thereby requiring any structures that do not comply to be removed within 6 months of

the date of the Site Licence (Recommendation (1)(c)(i)).

Hedges

26. This issue relates to the definition of trees and hedges. The height of fences and hedges are covered in Condition 2(iv)(f) of the Site Licence Conditions but this does not mention trees. Fire Officers from ECF&RS are of the view that although trees are not specifically mentioned, the issues regarding combustibility are the same as they are for hedges and, therefore, they should not exceed the height of 1m as stated in the Model Standards.

27. However, at the Cabinet meeting of 18 April 2011 (C-069-201/11), Members agreed that the Council's own Conditions should depart from the Model Conditions and state that, 'trees are not considered to be hedges and therefore not being subject to any height restriction, provided they do not present any nuisance or health and safety risk'. This means that distinguishing between a tree and a hedge has implications in determining whether there is a height limit or not and we have been advised that it is not always a straightforward decision particularly where a row of trees stand close together to form something looking like a hedge.

28. On the advice of officers, therefore, we recommend that the Cabinet agrees that the following definition, which exists in common law, be applied: A 'hedge' is, '*a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier*'.

Porches

29. Condition 2(iv)(a) states that, although porches may protrude 1m into the separation distance, they must be no more than 2m in length and 1m in depth. The Cabinet has already agreed that porches that do not comply with these dimensions at the date of the site licence will be allowed to remain until the home is replaced.

30. In addition to this, however, porches may be considered as 'structures' for the purpose of Condition 2(iv)(c) and, therefore, there should be a clear 4.5m clear distance between any such structure and any adjacent park home to reduce the risk of fire spread between park homes.

31. We were advised the reason that this may be an issue is that the Cabinet has also agreed that any park home that is positioned closer than the recommended 6m from any other park home could remain provided it was in position on the date of the Site Licence. This means that if homes that are already closer than 6m apart have porches that protrude more than 1m into the separation space, this may reduce the separation space to less than 4.5m. This would only be an issue if porches are considered to be 'structures' within the terms of Condition 2(iv)(c).

32. We understand that many of the park homes in the District do have porches and a significant number of these would contravene Condition 2(iv)(c). As with timber decking, Officers are of the opinion that porches are structures and are therefore covered by Condition 2(iv)(c) and require a separation distance of at least 4.5m. If this is the case, then any porches that do not meet the requirements would have to be removed which, understandably, park home residents and some site owners are strongly opposed to.

33. We explored the following options:

- (a) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home and to require any porches that are already closer than this to be removed, within a period of,

say, 12 months from the date of the Site Licence.

(b) To consider porches to be 'structures' and not to allow any new porches to be positioned closer than a 4.5m clear distance from any adjacent park home but to allow any that are so positioned at the time the Site Licence is issued to remain.

(c) To not consider porches to be 'structures' for the purposes of 2(iv)(c) and therefore allow them to be positioned closer than 4.5m from any adjacent park home.

34. Taking these matters into account, we consider that porches should be considered to be structures and, therefore, no new porches should be permitted that contravene Condition 2(iv)(c) (and by virtue of Condition 2(iv)(a) new porches cannot extend more than 1m into the separation space even if they are built of non-combustible material). However, having regard to all the relevant circumstances of the sites, there are justifiable reasons for allowing contraventions that take place on the date of the new licence, after taking account of the representations made by existing park home owners and site owners and, in accordance with this, we recommend that the Cabinet agrees Option b) above, which appears at 1(b) in the Recommendations to this Report.

Charging for licensing functions

35. The Government has recently issued a consultation document 'A Better Deal For Mobile Home Owners'. This proposes, among other things, to allow local authorities to recover their costs in carrying out their park home licensing functions and to include the requirement to pay as a condition of the site licence conditions. We have been advised that any such implementation would require primary legislation and a further report to Cabinet. Officers also made it clear to us at our meeting that, before any charge is introduced, interested parties should be fully consulted again. However, we consider that it seems appropriate now, while reviewing existing licence conditions, to include a condition to the effect that it reserves the right to charge for licensing functions, should they be permitted in the future (Recommendation (3)).

36. The Cabinet is asked to consider this Report in the light of our deliberations and to agree the recommendations accordingly.

37. We were advised that the Government's Model Standards 2008 for Caravan sites in England excludes Gypsy/Traveller sites. However, several sites in the District have Planning Permission to be occupied by Gypsy and Traveller families on a permanent, residential basis and these sites are currently licensed in accordance with the existing licence conditions for the District's residential sites. In recent months several new planning applications have been received from Gypsy families on unauthorised sites wanting to legitimise them. The Cabinet has already agreed that a second consultation process will involve these sites with the objective that the Council's Standard Licence Conditions be extended to include Gypsy sites that are occupied on a permanent residential basis.

38. Finally, we were also advised that separate Model Standards exist for holiday caravan sites. A review of the Council's existing licence conditions for these sites, to bring them in line with the Model Standards, is proposed in due course.

Resource Implications:

A part-time Technical Officer post has been appointed to specifically issue new site licences and enforce the standard conditions.

Legal and Governance Implications:

Caravan Sites and Control of Development Act 1960
Model Standards 2008 for Caravan Sites in England

Safer, Cleaner and Greener Implications:

Adopting new standard conditions in line with the Governments Model Standards 2008 for Caravan Sites in England will ensure measures are in place to protect the health and safety of residents on permanent residential mobile home sites.

Consultation Undertaken:

Specialist Consultants Park Homes Legal Services have carried out the initial consultation process and further consultations have been carried out with all residents and site owners on both the licence conditions proposed by the Cabinet and the Housing Scrutiny Panel's recommendations in accordance with the Scrutiny Panel's wishes.

Impact Assessments:

Risk Management

Failure to set and ensure compliance with appropriate licence conditions would compromise the health and safety of residents on permanent residential mobile home sites by limiting the control measures that may be imposed.

Although it is the Fire Authority's view that the Council should adopt the model standards without exception, the Council may depart from these if it considers that the benefits that the new licence conditions will achieve are outweighed by the interests of existing residents and site owners. The Council considers that the substantial representations made by the site owners and residents, in the full knowledge of the Fire Authority's recommendations, justify a departure from the Model Standards, as indicated in the revised 'Standard Licence Conditions for Permanent Residential Park Home Sites in Epping Forest District Council' (Appendix 2), in this case.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Essex County Fire & Rescue Service



Model Standards

The Model Standards are specified by the Secretary of State under Section 5(6) of the Caravan Sites Control and Development Act 1960. The Act allows the Secretary of State to modify the Model Standards from time to time, the two most recent revisions to the standards being 1989 and 2008 respectively.

The Model Standards are considered to represent those standards normally to be expected as a matter of good practice on caravan sites, it should be remembered that the standards are minimum standards. For this reason, the Essex County Fire and Rescue Service (ECFRS) considers that the current Model Standards (2008)ⁱ should be the basis for the conditions of a new site licence.

The 2008 Model Standards were developed by the CLG following a Consultation Paper for the Office of the Deputy Prime Minister in December 2005ⁱⁱ taking into account recommendations made by the Park Homes Working Party and the Local Authority Licensing of Park Home Estates Report.

When comparing the 1989 standard and the 2008 standard in relation to separation distances and what may or may not be allowed to occupy the separating space, it is noticeable that the differences are minimal meaning little in the standards has changed in over twenty years.

Model Standards 1989	Model Standards 2008
Separation – Not less than 6m	Separation – Not less than 6m
Porches – May protrude 1m into the 6m and should be open	Porches – May protrude 1m into separation space, maximum size 1 deep by 2m wide, not to exceed height of caravan. Porch must have only one door, either at the entrance to the home or on the porch
Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5.25m	Eaves, Drainpipes and Bay Windows – May protrude into 6m space providing that the separation between adjacent units is not less than 5m
Ramps, Verandah's and Stairs – There should be 4.5m clear space between units, they should not face	Any Structure including steps, ramps etc. – Which extends more than 1m into the separation distance shall

each other, and if enclosed, need to be considered part of the unit and as such not protrude into the 6m space	be of non-combustible construction. There should be 4.5m clear distance between any such structure and an adjacent caravan
Garage, Shed or Covered Storage Space – Only permitted if of non-combustible construction, car ports or covered walkways not allowed within 6m space.	A Garage or Car Port – These may only be permitted within the separation distance if they are of non-combustible construction
	Windows - Where included in structures within the separation distance shall not face toward a caravan on either side
	Fences and Hedges – Where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high
	Private Cars – These may be parked within the separation distances provided they do not obstruct access and are a minimum of 3m from an adjacent caravan

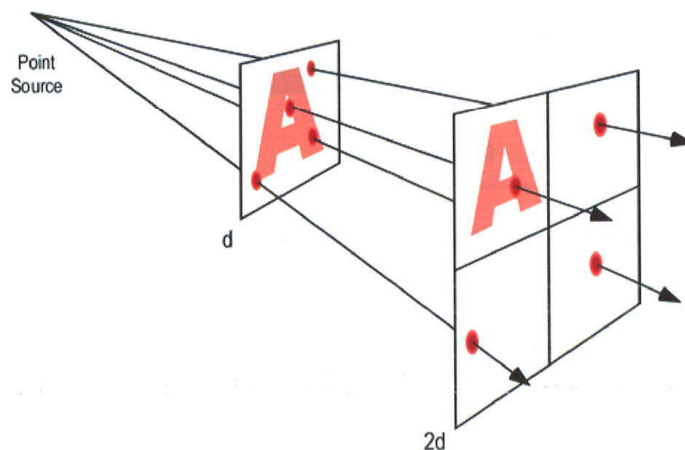
The basis of the separation distances used was testing conducted by the Building Research Establishment (BRE) in 1989, the results of which were published in the report 'Fire Spread between Park Homes and Caravans' ⁱⁱⁱ. The tests were conducted to see whether the separation distances from the previous 1977 Model Standards were still appropriate, the BRE conducted tests on both park homes and holiday caravans, here we shall concentrate on park homes.

Whilst conducting the tests, the BRE established ignition criteria for the park homes through testing samples supplied by park home manufacturers in the BRE's ISO Ignitability apparatus in order to establish a baseline for thermal radiation, the full scale tests were preceded by test burns on half caravans to establish patterns of fire development, mode of failure etc. Computer modeling was also used to estimate a radiation field around the caravan, and an investigation into a park home fire was also undertaken.

The ignitability criteria for a park home was established through testing of samples as being 17kW/m² and the ignitability criteria of other surrounding or intermediate items such as cars sheds etc. was 12.6kW/m², the latter figure is that used in The Building Regulations^{iv} to assess the appropriate separation distances for buildings.

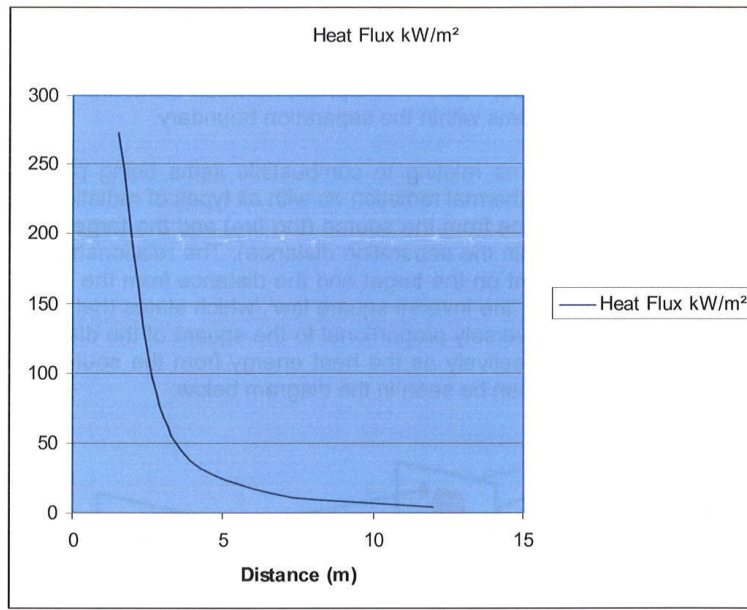
During the tests, a typical park home was burned and the heat flux levels were measured around the home, the heat flux levels indicated that the 6m spacing was still appropriate for a park home as the heat flux at this distance did not exceed 17kW/m^2 , the report also stated that 'On the basis of the fire test results it has to be presumed that any items other than those classified as incombustible within 3m of a burning caravan could ignite and be an additional source of fuel and radiation or indeed, direct flame impingement'. A paper based upon the report 'BRE Information Paper 15/91- Fire Spread between Caravans'¹ includes a table of the placement of items within the separation boundary.

The reason for the concerns relating to combustible items being placed in the separation distance is that thermal radiation as with all types of radiation is highly dependent upon the distance from the source (the fire) and the target which the radiation strikes (items within the separation distance). The relationship between the radiant heat flux incident on the target and the distance from the source can be simplified and is termed 'the inverse square law', which states that the energy received by the target is inversely proportional to the square of the distance from the source of the heat, effectively as the heat energy from the source radiates from a point it diverges as can be seen in the diagram below.



As the distance increases, the area upon which the radiation is incident has increased and therefore the radiation per unit area is reduced. Conversely if the distance from the source to the target is reduced, the radiation per unit area is increased and by halving the distance, the thermal radiation incident on the target would be quadrupled. So assuming that at 6m the radiation is 17kW/m^2 at 3m, the radiation would be 68kW/m^2 , far in excess of that required to ignite timber sheds, structures, trees, bushes etc.

The relationship between heat flux and distance is shown in the graph below and of particular note is the effect of placing a target within the 6m separation distance as the heat flux incident on the target is increasing exponentially.



(Draft) Report to the Housing Scrutiny Panel 31/1/12

Porches - From Para 9. of the draft Report to the Housing Scrutiny Panel it states that the Fire Officers have agreed a variation allowing closed porches fitted with battery operated detection. This is not the case as the ECFRS have continually stated that in their opinion that the Model Standard 2008 should be the basis of any new licence. However from discussion with Epping Forest District Council we were advised that this had already been passed by the Council. In this case and whilst not agreeing to the variation it is advised that the fitting of interlinked smoke detectors either mains or battery powered would provide a degree of compensation for the increased risk arising from the Housing Scrutiny Panel accepting a variation from the Model Standard 2008.

Para.31 of the draft report acknowledges that the dimensions of a porch should be limited to 1m deep by 2m wide as required by the Model Standard 2008 2(iv)(a), but that housing officers actually consider porches as 'structures' under 2(iv)(c) despite porches having specific requirements under the previously mentioned section, 2(iv)(c) requires a clear 4.5m

space between the structure and an adjacent park home (although if it extends more than 1m into the separation distance it should be of non-combustible construction), this definition allows the porch to potentially protrude 1.5m into the 6m separation space but does not limit the width/area of the porch. This in conjunction with the external porch door that has been agreed by EFDC means that there is potential for significant storage in these 'structures', which has the potential to significantly increase fire loading of a caravan and heat flux incident on adjacent caravans. Also the enclosure of such porches may mean that appliances such as washing machines, tumble driers, fridges freezers etc will be placed within the porch and will not only add to the fire loading but also increase the possibility of ignition due to their power supplies. For this reason the ECFRS maintain the position that the Model Standards 2008 should be complied with in this area and that Porches should be considered as porches and not structures as per the definitions in the Model Standards 2008.

Fences - The Model Standard 2008 is clear that fences and hedges, where allowed and forming a boundary between adjacent caravans should be a maximum of 1m high (MS2008 2(iv)(f)), this is backed up by the BRE paper Fire Spread between Caravans discussed previously, Table 1 of the paper lists restrictions of items to be placed within the separation boundary of an adjoining occupancy, for fences it states if they are non-combustible, there is no restriction, but if they are combustible they should be restricted to 'low (1m high max.) picket fences only'. This is based upon the experimental data obtained from burning a Park home style caravan and measuring radiative heat flux profile around the home.

As identified previously, the heat flux required to ignite a park home was determined through testing to be 17kW/m², the heat flux required to ignite intermediate items such as cars, sheds, awnings, gas cylinders and fences was just 12.6kW/m², this is the same level of heat flux used to determine the separation distances of traditionally constructed buildings in order to comply with building regulations as this is the recognised temperature at which timber will ignite.

During the BRE tests the heat flux was recorded at heights of 3m and 1.8m and for a holiday caravan the recordings at 5m were 17kW/m² and 12.6kW/m² respectively and an assumption was made that intermediate items associated with a caravan were unlikely to be higher than 2m from the ground. For a Park home type caravan the heat flux profiles determined that the caravan should have greater spacing distances of 6m due to the difference in the way in which they burned and their larger heat flux profiles.

The apparent reason for restricting the fence height to just 1m is that the fences assumed to sit on a boundary between two Park homes will be just 3m from each home, and due to the exponential increase in thermal radiation with the reduction in distance from the source discussed previously any intermediate items within 3m of a caravan, other than those that are non-combustible therefore are at significant risk of ignition and will contribute both to the fire load and the radiation incident on surrounding homes. For this reason, the ECFRS are of the opinion that there should be no variation from the Model Standard 2008.

For trellis, archways and pergolas, it is clear that the same issues would apply and therefore they should not be located within the boundary unless they are constructed of non-combustible materials or conform to the requirements set out for structures in the 2008 MS (2(iv)(c)).

Hedges – Hedges should be treated similarly to fences as per the Model Standards 2008 (2(iv)(f)) and limited in height to 1m when forming a boundary between adjacent caravans, the rationale for this has been explained previously, hedges are considered combustible.

Although the model standard does not specifically mention trees, similar to hedges trees are combustible indeed some species will burn particularly rapidly giving off significant heat radiation, which could assist fire spread between adjacent caravans.

For these reasons, ECFRS are of the opinion that there should be no variation from the Model Standard 2008 in relation to hedges and that trees represent a similar risk.

Timber Decking – It is the opinion of the ECFRS that timber decking should be considered as a structure, it will be constructed of similar materials and in a similar manner to ramps and steps that are mentioned in the Model Standard 2008 2(iv)(c)

Paragraph 13 of the draft report states that a Site Owner had commissioned a Fire Risk Assessment that stated high temperatures must be reached before decking will burn, ECFRS are in agreement with this, but it must be considered that in the event of a caravan fires high temperature are indeed reached and thermal radiation from such fires is generated at levels in excess of that required to ignite timber, this was proved empirically through experimentation by the BRE.

Sheds – These are also considered structures by the ECFRS, generally they are of lightweight timber construction, with combustible roof covering. Sheds are generally used either for storage purposes or as workshops and often contain flammable materials that will add to their fire load and

increase the radiant heat incident on neighbouring caravans, for this reason the ECFRS recommends that they should be in compliance with Model Standard 2008 2(iv)(c) & (e)

ⁱ Model Standards 2008 for Caravan Sites in England – Caravan Sites and Control of Development Act 1960-Section 5 (2008) Communities and Local Government

ⁱⁱ Revising the Model Standards for Park Homes – Consultation Paper on Revised Standards and Guidance (2005) Office of the Deputy Prime Minister

ⁱⁱⁱ Fire Spread Between Park Homes and Caravans (1989) Department of the Environment / Home Office / National Caravan Council

^{iv} The Building Regulations 2010 – Fire Safety Approved Document B Volume 1 Dwellinghouses (2010) HM Government

^v BRE Information Paper 15/91 – Fire Spread Between Caravans (1991) Building Research Establishment

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Appendix 2

STANDARD LICENCE CONDITIONS FOR PERMANENT RESIDENTIAL PARK HOME SITES IN EPPING FOREST DISTRICT COUNCIL

Schedule of Conditions

General

- (i) (*name of park home site*) site is licensed for a maximum of () residential park homes;
- (ii) All residential park homes sited must be manufactured in accordance with the version of BS 3632: 'Residential park homes – Specification' applying at the time of siting or replacement;
- (iii) No park home may be occupied by numbers of persons in excess of that for which the park home was designed to accommodate.
- (iii) This licence shall only apply to that area of land in respect of which planning permission has been obtained to station park homes for permanent residential use.

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No park home or combustible structure shall be positioned within 3 metres of the boundary of the site. However, any park home or combustible structure that contravenes this condition at the date on this site licence will be allowed
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking between Park Homes

- (i) Except in the case mentioned in sub paragraph (iii) of this paragraph and subject to sub paragraph (iv), every park home must where practicable be

spaced at a distance of not less than 6 metres (the separation distance) from any other park home which is occupied as a separate residence. However, any park home that contravenes this condition at the date on this licence will be allowed. *This condition will not apply to sites comprising just one park home.*

(ii) No park home shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site. However, any park home that contravenes this condition at the date on this licence will be allowed.

(iii) Where a park home has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent park home may be reduced to a minimum of 5.25 metres. *This condition will not apply to sites comprising just one park home.*

(iv) In any case mentioned in subparagraph (i) or (iii):

(a) A porch attached to the park home may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the park home. Where a porch is installed such that there is a door to the porch and another door to the home, there shall be fitted in the porch and the living space of the home, within 6 months of the date on this licence, mains-powered, interlinked smoke detection with integral battery back up complying with current British Standards. However, where home owners prefer, battery powered detection is permitted in the porch and living space provided that they are interlinked. Porches attached to park homes which do not comply with the dimensions in this condition and that are in place at the date of this site licence will be allowed until the park home is eventually replaced. If, by virtue of size, form of construction, condition, location or other reason the Council considers an existing porch to be a fire risk or to offer some other potential danger, it may require the porch to be modified. From the date of this licence, all new porches if permitted will need to comply with this condition.

(b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing park homes is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres. *This condition will not apply to sites comprising just one park home.*

(c) Any structure including steps, ramps, etc (except a shed, garage or

car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent park home. Any decking or porch attached to a park home that contravenes this condition on the date on this licence will be allowed to remain. *This condition will not apply to sites comprising just one park home.*

(d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction. *This condition will not apply to sites comprising just one park home.*

(e) Windows in structures within the separation distance shall not face towards the park home on either side. *This condition will not apply to sites comprising just one park home.*

(f) Fences and hedges, where allowed and forming the boundary between adjacent park homes, should be a maximum of 2 metres high. *This condition will not apply to sites comprising just one park home.*

(i) the height of a fence shall be calculated using the same guidelines as are applied under Planning legislation.

(ii) a hedge is defined as 'a number of woody plants, whether capable of growing into trees or not, which are so planted as to be intended to be in line and which, when mature, to be so integrated together as to form a screen or a barrier.'

(g) Where Park Rules allow, private cars may be parked within the separation distance provided that they do not obstruct entrances to park homes around them and they must be a minimum of 3 metres from an adjacent park home. *This condition will not apply to sites comprising just one park home.*

(v) The density of park homes on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

(i) All roads shall provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.

(ii) New roads shall be constructed and laid of suitable bitumen macadam or concrete with a suitable compacted base.

(iii) All roads shall have adequate surface water/storm drainage.

- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.
- (viii) All roads shall be maintained in a good condition.
- (ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

- (i) Every park home shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.
- (ii) Communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness. *This condition will not apply to sites comprising just one park home.*

6. Bases

- (i) Every unit must stand on a concrete hard-standing.
- (ii) The concrete hardstanding must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.
- (iii) There shall be no more concrete hard-standings constructed than the number of park homes permitted to be sited under this licence.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

- (i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

- (ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition; good repair and clear of rubbish.
- (iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.
- (iv) Trees within the site shall (subject to the necessary consents) be maintained.
- (v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.
- (iii) Any work carried out on any gas or oil installations on the site shall be done by a qualified person fully conversant with the relevant statutory requirements.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are qualified to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a qualified person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform to current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority. Where effluent is removed from the site the licensee shall provide the local authority if demanded, with a copy of their Discharge Consent as issued by the Environment Agency.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Domestic waste including green waste originating from the individual plots are to be disposed of in a safe and proper manner using the Council's waste collection facilities. Disposal of waste from all common parts is to be dealt with as commercial waste.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site. *This condition will not apply to sites comprising just one park home.*

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).
- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it. *This condition will not apply to sites comprising just one park home.*
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place: *This condition will not apply to sites comprising just one park home*
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight. *This condition will not apply to sites comprising just one park home.*

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the

Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the Council.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this section only apply if the site is **NOT** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no park home or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
- (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection)

with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.

- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.
- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the park home or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

19. Licence Fee

This Council reserves the right to charge park owners for licensing functions in line with any future statutory legislation introduced.

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Report to the Cabinet

Report reference: C-013-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Portfolio: Asset Management and Economic Development

Subject: Consultation update and Timetable - St John's Road Area, Epping Design & Development Brief

Responsible Officer Colleen O'Boyle (01992 564475).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) To agree the timetable for reporting a design & Development Brief for the St John's area to the September Cabinet and Council.

Executive Summary:

Allies Morrison Urban Practitioners (AMUP) have analysed the more than 400 consultation responses submitted in various formats over the period of the consultation during March and April of this year. This document updates Members on the key issues arising from the consultation and outlines a proposed timetable for delivering the Brief.

Reasons for Proposed Decision:

To seek agreement to the process for delivering this important Brief.

Other Options for Action:

Cabinet could seek an alternative timetable or process.

Report:

1. On 10th March 2008 Cabinet authorised the delivery of a Design & Development Brief for the St John's Road area, Epping.
2. The site is predominantly in public ownership, with Essex County Council owning the greater proportion of the site and the Town and District Councils owning the remainder.
3. The project has taken longer than anticipated but the essential information required to inform Members' decision making has now been assembled. In addition to National, regional and local planning policies this includes the illustrative Options prepared for the Council, the traffic impact analysis, the financial appraisals, a retail study and the results of the recent consultation.
4. Turning to the consultation responses, AMUP have produced a summary and highlighted not only the key issues arising but proposals as to how this could be translated into the Brief. Members will need to consider these in detail, as well as the views of the Town

and County Councils. The interim report on this has been published in the Council Bulletin previously and is attached as an Appendix. An updated version will be distributed to Members in due course.

5. In response to the acknowledged local interest, the Leader of Council and the Portfolio holder for Asset Management and Economic Development have accepted an invitation to meet with the Town Council, Epping Society and ward councillors on the 16th July to give feedback on the key issues emerging from the consultation. It is understood the County Council have also been invited.

6. The main issues which people felt it was most important to provide in the town centre can be summarised as follows:

- (i) improved sport and leisure facilities;
- (ii) the protection of historic buildings and respect for their scale;
- (iii) space for adult education; and
- (iv) protection of the existing trees.

7. In addition to these issues concern has been expressed by many who are concerned that a new larger store would have a negative impact on the High Street. Those who favoured a new store to provide competition wanted a smaller scale and/or a particular operator.

8. The Cabinet wishes to reflect further on all of the issues, consider the proposed approach suggested by the consultants within the attached briefing paper in addition to outcome of the feedback meeting referred to above.

9. Therefore it is proposed to bring a report to the 10th September Cabinet which draws these matters together in a draft Design & Development Brief. AMUP will be present to assist with both the presentation and any questions Members may have. If agreed, the Brief would then be referred to Full Council on the 27th September.

10. If the Brief is not agreed and/or further work is required this will of course impact on the timetable and a further report would be brought to Members.

Resource Implications:

No further resource is required to deliver the Brief as currently described.

Legal and Governance Implications:

The Brief if agreed will become a material planning consideration in relation to any future planning applications affecting the site.

Safer, Cleaner and Greener Implications:

Protection of historic buildings and protected trees form part of the Brief.

Consultation Undertaken:

A comprehensive exercise was undertaken to consult residents, businesses and visitors.

Background Papers:

AMUP report.

Impact Assessments:

Risk Management

There is a risk that a unique development opportunity is not realised- either because of conflicting aims or through difficulties associated with the multiple ownership of the site.

To mitigate this, expert advice has been sought, consultation has been undertaken and essential partners have been involved through Project Board meetings.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

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St John's Road Epping

Outline report of public consultation, June 2012

This document sets out a digest of the responses to the consultation on the St John's Road Area Design and Development Brief which was staged during March and April 2012. It is intended to give Members an early view of the key issues whilst the Brief is being drafted.

The consultation process which was undertaken was extensive and was also extended in response to the strength of local response. A total of 826 responses have been received, of which 462 were submitted as paper questionnaires or letters and a further 354 were submitted on-line through the council website.

Question 1

The first question asked respondents whether they agreed with the core project principles which had been set out in the consultation material as follows:

- The development needs to be strongly integrated with the High Street and the rest of the town centre;
- The area should include a sustainable mix of uses and create high quality public streets and spaces;
- Any development should respect and complement the historic character and scale of the town centre with buildings of the highest quality; and
- The ideas for development should make the most of this once-in-a-generation opportunity for the town but should be practical, deliverable and affordable.

The responses provide a very strong positive feedback on this question, with 477 people either supporting or strongly supporting the principles whilst 178 people disagreed or strongly disagreed with the principles. 91 people indicated a neutral response and a further 80 people did not complete the question.

It is instructive to read the written comments which accompany the scores. These indicate that people have tended to rate the illustrative schemes in the exhibition rather than the core principles as the questionnaire asked. Many of the comments mention issues which do not relate to the principles given and so people may not have answered the question accurately.

Question 2

Question two asked people to tick five things from a long list to identify which issues they felt would be most important for Epping town centre. Space was also provided for further suggestions.

- Provision of improved sport and leisure facilities in the town centre is the stand-out issue with 535 of all respondents ticking this option;
- Protection of historic buildings and respect for historic scale were the next two most selected issues with 401 and 382 votes respectively;
- Provision of space for adult education received a surprisingly high response of 315 votes;
- Following this the issues were scored as follows:
 - Protecting historic trees - 256
 - New high quality public space - 225
 - Smaller shops / boutiques - 203
 - New or improved library - 185
 - New premises for the CAB - 148
 - Community buildings for hire - 142
 - New affordable houses - 140
 - New premises for the church - 138
 - More town centre parking - 119
 - New houses - 114
 - Start-up space for businesses - 112
 - Larger non-food shops - 103
 - Town centre supermarket - 95
- Below this list there are a further 57 identified issues either from the original list or from those suggested by respondents. Most of these only score a small handful of votes.

These responses provide a clear indication that provision of improved sports and leisure facilities in the town is very important, whilst the comments about the protection of historic scale and character correlate well with the responses to question one. The most surprising response is the high level of support given to the provision of space for adult education and further thought is being given to how this can be reflected in the brief.

Question 3

Question three provided people with space to make their own comments about the scheme. These are currently being analysed by identifying and coding key issues.

At the moment, the key issues emerging reflect the desire to see improvements to the sports and leisure provision in Epping and a concern that a new larger store will have a negative impact on the High Street. Alongside this a number of people express a desire for a new food store to provide more competition, with some specifically suggesting Waitrose. Others have expressed concerns about traffic and about the need for infrastructure commensurate with new growth.

Question 4

Question four requested basic demographic data but did not require people to respond – some people have left this question blank. The data received can be summarised as follows based on the analysis completed so far:

- Slightly more than half of the respondents are female;
- Those under 35 account for 80 responses, the majority of which were posted on-line;
- The 36-50 age group is the largest responding group, with 186 comments – again the majority of this was received on-line;
- The 51-65 age group provided 125 responses and a high proportion was received on-line;
- The over 65 age group provided 61 responses, of which just over half were made on paper; and
- Postcode area CM16 5 was best represented, followed by CM16 4 and CM16 6.

Key issues for the brief:

On the basis of the work undertaken so far to analyse the consultation responses our project team has identified the following as key issues which need to be considered in the drafting of the brief:

- There is strong support for improved sport and leisure provision in the town centre. It is being considered how the potential for this can be included in the brief whilst leaving flexibility around the issue for further consideration of options both on and off site and funding strategies;
- There is strong support for an approach which protects the historic character and scale of the area and the brief will provide guidance to establish this;
- There are significant concerns about the provision of a new food store on the site, including concerns about scale and bulk, parking, traffic impact and impact on the High Street. This needs to be weighed against the need to provide for additional retail capacity in the town centre over the coming years as demonstrated in the Roger Tym study. It is also noted that many of the other issues which people supported strongly would only be viable or justifiable if a food store were to be included as part of the project mix. Consideration is being given to how best the brief can respond to these comments; and
- Consideration is being given to the future of the Centrepoint building in view of the comments regarding the provision of space for adult education and potential community uses.

The project team has been in consultation with the Parish Church, the Town Council and Essex County Council to review the emerging significant issues and is now

preparing the draft brief which will be submitted to members for adoption. These conversations have highlighted the need for the various bodies to work together to establish a clear position on land ownership and disposal strategy outside the scope of the brief and this work is ongoing.

Report to the Cabinet

Report reference: C-008-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Portfolio: Housing

Subject: Council Housebuilding Programme – Potential Development Sites

Responsible Officer: Alan Hall (01992 564004).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the progress made, and the current position, with the appointment of a Development Agent to manage the Council's Housebuilding Programme be noted;**
- (2) That the Council-owned garage sites and other housing land with development potential listed in Appendix 2 be separated into a Primary List and a Reserve List according to the following criteria:**

Primary List

- (a) All Garage sites with vacancy rates of 20% or more as at 1st July 2012;**
- (b) The 5 small areas of Council-owned land identified as having development potential; and**
- (c) (Currently) 1 garage site that has structural problems, that would be expensive to repair;**

Reserve List

- (a) Small garage sites (i.e. comprising 6 or less garages), with no current vacancies, but that have been difficult to let in the past; and**
 - (b) All garage sites with more than 6 garages, vacancy rates of less than 20% as at 1st July 2012 and no waiting list.**
- (3) That detailed development and financial appraisals be undertaken by the Development Agent, once appointed, for those sites on the Primary List;**
 - (4) That sites on the Reserve List be promoted to the Primary List, and that detailed development and financial appraisals also be undertaken for these sites by the Development Agent, if the percentage of vacant garages within the site increases to 20% or more;**
 - (5) That garage sites remain on the Primary List, even if their vacancy rates fall to below 20% in the future;**
 - (6) That the proposed methodology for determining the order in which the detailed development appraisals, and the subsequent development of sites to be taken forward,**

should be undertaken be included within the Development Strategy to be approved by the Cabinet in due course;

- (7) Subject to the Cabinet's approval at a later date, detailed development and financial appraisals be undertaken by the Development Agent for any other sites on the Reserve List if;
- (a) There are insufficient numbers of properties that can be viably developed from the Primary List to deliver a Housebuilding Programme of 120 new homes over a six-year period; or
 - (b) The Cabinet subsequently decides to increase the size of the Housebuilding Programme and there are insufficient numbers of properties that can be viably developed to deliver a larger Programme;
- (8) That further initial development assessments be undertaken over time by either officers or the Development Agent of:
- (a) All other garage sites comprising 6 or less garages;
 - (b) Any further garage sites that start to have vacancies with no waiting list; and
 - (c) Any Council-owned land on housing sites considered to be surplus to requirements.

with further reports submitted to the Cabinet (as appropriate) once a number of such initial assessments have been undertaken, in order to consider whether or not these sites should be added to either the Primary List or Reserve List; and

- (9) That the Council's garage sites at Vere Road and Burton Road, Loughton be excluded from consideration for inclusion within the Housebuilding Programme for the time being, so that they can be considered as part of the wider regeneration proposals for The Broadway, Loughton, in accordance with the adopted Design and Development Brief for the area.

Executive Summary:

The Council has previously agreed its approach to the introduction and implementation of a new Council Housebuilding Programme, initially based on the construction of around 20 new homes each year for at least 6 years.

Good progress has been made with the appointment of the Development Agent to manage the Council's Housebuilding Programme; formal tenders will be invited at the end of July 2012 and it is currently planned that the contract will be signed around January 2013.

The next stage, and the purpose of this report, is for the Cabinet to agree a list of potential development sites for which the Council's Development Agent, once appointed, will undertake detailed development and financial appraisals.

Potentially, a maximum of 227 new rented Council homes could be developed on the 69 Council-owned difficult to let and small garage sites, and other housing land, listed in Appendix 2, whose development potential has been initially assessed by officers – although many of these sites are very problematical to develop, with the number of properties that can actually be developed likely to be much less.

The report proposes a methodology for separating the sites into a “Primary List” and “Reserve List”, and recommends that detailed development and financial appraisals only be undertaken at this stage of all those sites on the Primary List. However, the report also recommends when sites should be promoted from the Reserve List to the Primary List, and the circumstances when appraisals should be undertaken for sites on the Reserve List in the future.

A Development Strategy will be formulated in due course for adoption by the Cabinet, which will include a proposed methodology for determining the order in which the detailed development appraisals, and the subsequent development of sites be taken forward, should be undertaken.

Further initial development assessments will be undertaken over time of other garage sites that may be suitable for development, with further reports submitted to the Cabinet as appropriate to consider whether or not they should be added to either the Primary List or Reserve List.

Reasons for Proposed Decision:

The Council needs to identify Council-owned sites for its Housebuilding Programme, that may have development potential, in order to instruct the Council’s Development Agent, when appointed, to undertake detailed development and financial appraisals of the sites.

Other Options for Action:

The main options appear to be;

- (a) Not to have Primary and Reserve Lists, or to have different criteria for the 2 Lists;
- (b) To add or delete sites from the Primary and/or Reserve Lists, or swap sites between the two Lists;
- (c) Not to have criteria now for subsequently adding to, or promoting from, the Primary or Reserve Lists; and
- (d) Not to undertake any further initial development assessments of garage sites.

Background

1. At its meeting on 5th December 2011, following detailed consideration by the Housing Scrutiny Panel and the Scrutiny Panel’s recommendations, the Cabinet agreed its approach to the introduction and implementation of a new Council Housebuilding Programme, initially based on the construction of around 20 new homes each year for at least 6 years. A summary of the key decisions made by the Cabinet is as follows:

- A suitably experienced organisation be appointed through a competitive process (based on the most economically advantageous tender in terms of price and quality) to provide a Housebuilding Development Agency Service for the Council for up to 7 years, including all development and project management services and the provision of all professional building services, including: architectural, employer’s agency, quantity surveying, cost consulting, planning supervision, engineering and surveying, but excluding works construction.
- Once the initial development assessments of garage and other housing sites have been completed by officers, and the HRA Financial Plan has been agreed, a report be submitted to the Cabinet on a proposed list of potential development sites, seeking approval to undertake development appraisals for each of the sites – which is the purpose of this report.

- “Affordable rents” (not “social rents”) be charged for the completed Council properties, in accordance with the Government’s Affordable Rents Framework, with rent levels to be charged for individual properties agreed as part of the detailed financial appraisals.
- The Cabinet approves all detailed financial and development appraisals, any borrowing requirements, and the required Housing Capital Programme funding for proposed “development packages” on an individual basis.
- Such development packages be funded from the following sources (with full details to be set out in the financial appraisals for individual schemes approved by the Cabinet), on the basis that the Council Housebuilding Programme is self-funded, without any financial support from the General Fund:
 - (a) Capital receipts from additional Right to Buy sales as a result of the Government’s decision to increase discounts for tenants purchasing their property under the Right to Buy;
 - (b) S106 Agreement contributions from developers in lieu of on-site affordable housing provision;
 - (c) Funding from the Homes and Communities Agency (HCA) (where possible);
 - (d) Borrowing (if necessary);
 - (e) Housing Revenue Account (HRA) surpluses; and/or
 - (f) Cross-subsidy from the sale of other development sites within the Housebuilding Programme on the open market (if necessary);
- Once the Development Agent has been appointed:
 - (a) A Development Strategy be formulated setting out the proposed approach to planning and delivering the Housebuilding Programme, for adoption by the Cabinet;
 - (b) The selected Development Agent be required to seek development partner status for the Council from the HCA, in order to seek funding from the HCA; and
 - (c) The Development Agent be required to procure works contractors to construct the properties within the development packages on behalf of the Council.

2. The Cabinet previously determined that, following the receipt of expressions of interests from organisations - in response to the advert placed in the Official Journal of the European Union (OJEU) - to be considered for the selection of Development Agent, the Cabinet itself should approve both the pre-qualification questionnaire (PQQ) to be used for short-listing applicants down to 5-7 organisations to be invited to tender and the Selection Criteria to be used to select the successful applicant from the detailed tender submissions. The Cabinet also agreed that the Housing Portfolio Holder should be involved in the PQQ shortlisting process itself, and appointed a Selection Panel - comprising members and officers - to recommend an appointment to the Cabinet, following a formal technical appraisal of each tender and a presentation to the Selection Panel.

3. At its meeting on 12th March 2012, the Cabinet agreed the content of the PQQ, including the associated PQQ Selection Criteria and, at its meeting on the 23rd April 2012, the Cabinet also agreed the Selection Criteria for the main tender exercise.

4. The current position is that the PQQ process has been completed. 13 completed PQQs were received and, following a detailed assessment/scoring of each PQQ using the Cabinet's agreed Selection Criteria, and a formal validation/moderation process involving the Housing Portfolio Holder, 6 organisations have been shortlisted to provide detailed tender submissions, comprising 5 housing associations and 1 private organisation. The formal Invitation to Tender is expected to be issued at the end of July and, due to EU procurement requirements, it is currently planned that the contract with the appointed Development Agent will be signed around January 2013. The current Project Plan is attached as Appendix 1.

List of Potential Development Sites

5. The next stage in the process is for the Cabinet to consider and agree a list of potential development sites in the Council's ownership for which the Council's Development Agent, once appointed, will undertake detailed development and financial appraisals. The Cabinet has previously agreed that the appointed Development Agent should be paid a flat fee for undertaking each development/financial appraisal, with the level of fee as stated within the Development Agent's submitted competitive tender. These appraisals will then be reported to the Cabinet to determine for which sites the Development Agent should work up detailed development proposals and submit planning applications.

6. The Council adopted a policy a number of years ago (before the concept of the Council having its own Housebuilding Programme was conceived) that consideration should be given to the development of Council-owned garage sites that have more than 20% of the garages vacant, with no waiting list. In addition, at its meeting held on 6th February 2006, the Cabinet agreed a list of 10 sites (comprising a mix of garage sites, amenity land and other sites) for which Home Housing should be asked to investigate their development potential, with a view to those with development potential being transferred to Home Housing for the provision of affordable housing. Home Housing did undertake some feasibility work but, in view of the Government's policy changing to allow local authorities to build affordable housing themselves, Home Housing was asked to cease undertaking the development feasibilities since it was likely that the sites would be developed by the Council. At its meetings on 7th March 2011 and 30th January 2012, the Cabinet agreed in principle to develop the Council-owned site of the former Red Cross Hall (and adjacent land) in Roundhills, Waltham Abbey as part of the Council's Housebuilding Programme.

7. Over a period of time, the Council's Senior Architectural Assistant has visited garage sites that have had vacancies and no waiting list – together with a number of small garage sites (ie comprising 6 or less garages) that, although currently have no vacancies, have had vacancies and been difficult to let in the past - and undertaken a very brief and initial assessment of each site's development potential.

8. This has established that:

- 52 garage sites with vacancy rates over 20% could potentially be developed to provide a maximum of 192 new rented Council homes – an average of 3.8 properties per site;
- 7 garage sites with current vacancies less than 20% and no waiting list could potentially be developed to provide a maximum of 13 new homes;
- 4 small garage sites (i.e. comprising 6 or less garages), with no current vacancies but that have been difficult to let in the past, could potentially be developed to provide a maximum of 4 new homes;
- 1 garage site at Stonyshotts, Waltham Abbey that has structural problems which would be expensive to repair, could potentially be developed to provide 1 new home; and

- 5 other identified small areas of Council-owned land (non-garage sites) could potentially be developed to provide a maximum of 17 new rented homes;

9. As can be seen, potentially, a maximum of 227 new rented Council homes could be developed on the 69 sites referred to above. However, it is emphasised that many of these sites are very problematical to develop and the number of properties that can actually be developed is likely to be much less than this number - and will only be known once more detailed feasibility studies have been undertaken and, indeed, planning permission granted. Issues include some garage sites;

- Having private vehicular accesses to residents' own garages (some licenced, some unauthorised and some with acquired rights);
- Needing access roads widened (particularly at road junctions);
- With leaseholders and tenants having rights over land;
- Having rights of way or easements for third parties;
- Having planning issues; and
- Having electric sub-stations requiring relocation.

10. A list of all the sites referred to above is shown at Appendix 2 - providing, for each site, details of:

- Site location
- Total no. of garages on the site
- Current no. of vacant garages
- % of vacant garages
- Location of the entrance to the site
- An assessment (by the Council's Senior Architectural Assistant) of the site's "ease of development" on a scale of 1-5 (1=Easy; 5=Hard)
- The **maximum** no. of homes that could be provided on the site

11. Site plans for all of the sites will be placed on the Council's Committee Management (COMS) system in advance of the Cabinet meeting – under the details for the Cabinet meeting – and a hard-copy pack of site plans will be placed in the Members Room.

12. One of the first tasks of the appointed Development Agent will be to produce a Development Strategy, in consultation with officers, for adoption by the Cabinet. This will include a proposed methodology for determining the order in which the detailed development appraisals, and the subsequent development of sites to be taken forward, should be undertaken, as well as setting out a proposed Development Programme. The types of issues that are likely to be taken into account when formulating the Development Strategy and the order of development include:

- % of vacancies on garage sites
- Total nos. of garages on sites
- No. of homes that can be provided
- Unit costs of construction
- Ease of development
- Location of sites (in terms of packaging developments into works contracts)

13. The Council has currently included borrowing capacity to support a Council Housebuilding Programme of around 20 new rented homes per annum for 6 years. However, it is clear from the Council's HRA Financial Plan that a Programme could be sustained over a longer period, provided that there are a sufficient number of development sites.

14. The Cabinet has also previously identified that a larger Programme could be supported - with either more homes constructed each year and/or over more years - once the outcome of the detailed development appraisals is known and a further review of the Council's HRA Financial Plan has been undertaken. This is because better interest rates were obtained from the PWLB on the day the loan was secured, compared to the interest rates assumed in the latest iteration of the Financial Plan adopted by the Cabinet at the beginning of March 2012.

15. In agreeing a list of potential sites for which the appointed Development Agent will be asked to undertake detailed development and financial appraisals, it is proposed that two lists be formulated – a “Primary List” and a “Reserve List” – using the following criteria:

Primary List

- All Garage sites with current vacancy rates 20% or more;
- The 5 small areas of Council-owned land identified as having development potential; and
- (Currently) 1 garage site that has structural problems which would be expensive to repair;

Reserve List

- Small garage sites (comprising 6 or less garages), with no current vacancies but that have been difficult to let in the past; and
- All garage sites with: more than 6 garages, current vacancy rates of less than 20% and no waiting list.

16. The list of potential development sites at Appendix 2 has been separated into two lists based upon this criteria. The proposed Primary list comprises 58 sites, that has the maximum development potential to provide 210 new homes (an average of 3.6 homes per site) and the proposed Reserve List comprises 11 sites, that has the maximum development potential to provide 17 new homes (an average of 1.5 homes per site). It is proposed that, for the time being, detailed development and financial appraisals only be undertaken by the Development Agent (when appointed) for those sites on the Primary List. However, it is suggested that such appraisals be undertaken for those sites on the Reserve List if:

- (a) The % of vacant garages on the site increases to 20% or more; or
- (b) Subject to the Cabinet's approval at a later date;
 - (i) There are insufficient numbers of properties that can be viably developed from the Primary List to deliver a Housebuilding Programme of 120 new homes over a six-year period; or
 - (ii) The Cabinet decides to increase the size of the Housebuilding Programme and there are insufficient numbers of properties that can be viably developed to deliver a larger Programme.

17. It is further suggested that garage sites should remain on the Primary List, even if their vacancy rates happen to fall to below 20% in the future. This is because, historically, the sites have been difficult to let – with high levels of vacancies over a good period of time – and it is felt that it would be inappropriate to demote them to the Reserve List, or delete them from the potential programme altogether, simply because, at “a moment in time” in the future, the vacancy rate drops to below 20%.

18. Since the time of undertaking the initial development assessments for each of the sites in Appendix 2, a number of further Council-owned garage sites now have vacancies. Furthermore, vacancy rates on garage sites do vary from time to time, and some sites with low vacancy rates

may have vacancies in excess of 20% in the future. Therefore, it is also proposed that further initial development assessments be undertaken by either officers or the Development Agent of:

- (a) All garage sites comprising 6 or less garages;
- (b) Any further garage sites that start to have vacancies with no waiting list; and
- (c) Any Council-owned land on housing sites considered to be surplus to requirements.

19. Once a number of such initial assessments have been undertaken, further reports will be submitted to the Cabinet as appropriate to consider whether or not they should be added to either the Primary List or Reserve List.

20. It should be noted that the Council's garage sites at Vere Road and Burton Road, Loughton have been excluded from consideration for inclusion within the Housebuilding Programme for the time being, so that they can be considered as part of the wider regeneration proposals for The Broadway, Loughton, in accordance with the adopted Design and Development Brief for the area.

21. It is acknowledged that those members with potential development sites within their ward need to be aware of the recommendations being made to this Cabinet meeting. Therefore, an item will be included in the Council Bulletin in advance of the meeting drawing all members' attention to this report.

Indicative Timeline

22. As explained earlier, Appendix 1 sets out the time-frame for the appointment of the Development Agent; it is currently envisaged that the Development Agent will be appointed around January 2013. The Indicative Timeline for the key milestones beyond this appointment are as follows:

Milestone	Estimated Date
Appointment of Development Agent	January 2013
First set of sites passed to Development Agent to undertake Development and Financial Appraisals	February 2013
Cabinet approval of Development Strategy	April 2013
First Development and Financial Appraisals considered by Cabinet - approval/rejection of first sites to proceed to planning application	June 2013
Submission of first detailed planning applications	September 2013
Receipt of first planning permissions	November 2013
Completion of works contractor procurement / tendering process	April 2014
First sites commenced on site	July 2014
Completion/handover of first sites	December 2014

Resource Implications:

The only resource implication in respect of the issue under consideration is that the more sites that are selected for development/financial appraisal, the greater the total cost of undertaking the appraisals. However, the cost cannot be determined yet, since the flat fee per site will be dependent on the tender submitted by the organisation subsequently appointed as the Council's Development Agent through a competitive exercise.

It should also be noted at this stage that the more garages that are currently let and subsequently demolished through redevelopment, the greater the loss of rental income from those garages. However, the rental income is far lower than the rental income that would be obtained from the newly-developed properties, especially in view of the high number of vacant garages or the low number of total garages on the sites being considered. Part of the subsequent financial appraisals to the Cabinet will include details of the loss of income to be incurred if the development goes ahead.

Legal and Governance Implications:

Housing Act 1985.

Safer, Cleaner and Greener Implications:

Since many of the garage sites that will be developed are unsightly and attract vandalism and anti-social behaviour, their development for affordable housing should make them safer, cleaner and greener.

Consultation Undertaken:

None on this issue, although the Housing Scrutiny Panel and the Tenants and Leaseholders Federation have previously considered and supported the proposed approach to the Council Housebuilding Programme (with the original recommendations to the Cabinet coming from the Housing Scrutiny Panel).

Local residents will be consulted on any development proposals by the Planning and Economic Development Directorate when planning applications are submitted for any proposed developments.

Background Papers:

Housing Policy File H496, including the List of Potential Development Sites set out at Appendix 2, but with expanded information about each site's development potential and a list of the sites assessed as having no development potential.

Impact Assessments:

Risk Management

All the key identified risks for the Council Housebuilding Programme, together with the proposals for mitigation, were set out in the Housing Scrutiny Panel's report to the Cabinet on 5th December 2011.

With regard to the issues under consideration for this report, the main risk is that the most appropriate Council-owned sites for development are not put forward to the next stage – i.e. to have development and financial appraisals undertaken. This could result in less appropriate sites being developed, less properties being able to be developed through the Council's Housebuilding Programme overall and/or the overall cost of the Housebuilding Programme being higher than necessary.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?

No (*)

(*) However, an Equality Impact Assessment has previously been undertaken for the Council's Housing Strategy and Development functions, and still applies.

What equality implications were identified through the Equality Impact Assessment process?
None.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

Appointment of EFDC's Development Agent Project Plan (as at June 2012)

Initiative Programme 2012/2013

	Date	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13
Ref:		3	9	16	23	30	6	13	20	27	3	10	17	24
		3	9	16	23	30	6	13	20	27	3	10	17	24
1	Consultant Appointment													
2														
3	Selection Stage													
4	Prepare information pack and POQ													
5	Develop POQ Evaluation Document													
6	POQ etc. approved by Officers													
7	POQ etc. approved by Members													
8	Prepare Contract Notice													
9	Place contract OJEU Notice/OCI													
10	Expiration of Interest Period-42 days													
11	Issue POQ to applicants													
12	Market Response and Clarifications													
13	POQ Responses returned-42 days													
14	POQ Evaluation													
15	POQ Moderation/Decision													
16	Notify Success and Failures													
17	Feedback to Candidates-as requested													
18	John Bigby's Holiday -1													
19														
20	Award Stage													
21	Prepare selection Criteria													
22	Member approval of selection criteria													
23	ITT-Documents													
24	Service specification													
25	Approval of Tender documents-Officers													
26	Approval of Legal Agreement-Officers													
27	Issue ITT													
28	Tender responses and clarifications													
29	Tenders returned-42 days													
30	Tender Analysis													
31	Interviews/Presentations/Moderation													
32	Tender Report/Officer Decision													
33	Members Decision													
34	Contract Notification													
35	Notify Success and Failures													
36	10 day standstill period -ADN													
37	Contract Award													
38	Contract Commences													
39	Paul Pledgers Holiday													
40	John Bigby's Holiday-2													

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**LIST OF POTENTIAL COUNCIL-OWNED DEVELOPMENT SITES
FOR COUNCIL HOUSEBUILDING PROGRAMME**

Primary List									
Ref	Garage Location	Garage Nos.	Total on Site	No. Vacant (1.7.12)	% Vacant	Location of Site / Entrance	Ease of Devt. 1=Easy; 5=Hard	Max. no. of Properties	Comments
Buckhurst Hill									
1	Bourne House	12-36	25	16	64%	Rear/side (south) of Bourne House	3	4	
2	Hornbeam Close	1-24 25-38	38	11	29%	Adjacent (north and south) to 2-40 Hornbeam Close	2	7	
Page 52	Hornbeam House	1-22	22	14	65%	Rear/side (north) of Hornbeam House	3	6	
	Pentlow Way	1-10	10	4	40%	Adjacent to 23 Pentlow Way	2	4	
	5	Loughton Way	1-24	24	8	33%	Rear of 142 – 196 Loughton Way	4	2
Coopersale									
6	Parklands – Site A	75-100	26	9	35%	Adjacent to 44 Parklands	3	3	
7	Parklands – Site B	60-68	9	2	22%	Adjacent to 71 Parklands	2	2	
8	Parklands – Site C	119-122	4	1	25%	Between 52 Parklands and 53 Garnon Mead	3	2	

Epping									
9	Centre Avenue	1-20	20	9	45%	Adjacent to 18 Centre Avenue	4	2	
10	Centre Drive – Site B	N/A	N/A	N/A	N/A	Adjacent to 71 Centre Drive	2	1	Cabinet (6.2.06) previously agreed to investigate development potential
11	Springfield – Site B	2-16	15	7	47%	Between 34 and 36 Springfield	4	1	
12	Springfield – Site C	1-39	39	9	23%	Between 15 and 17 Springfield	3	3	
13	Stewards Green Road	1-20	20	11	55%	Adjacent to 52 Stewards Green Road	1	5	
High Ongar									
14	Millfield	1-12	12	5	42%	Between 48 and 49 Millfield	3	2	
Loughton									
15	Bushfields	51-70	20	7	35%	Between 82 Alderton Hall Lane and 139 Chequers Road	3	2	
16	Chester Road	654-675	22	11	50%	Rear of 121 and 125 Chester Road	3	2	
17	Chequers Road – Site A	146-171	26	19	73%	Between 2 and 12a Chequers Road	3	2	
18	Chequers Road – Site B	231-258	28	19	68%	Between 75 and 81 Chequers Road	1	9	Cabinet (6.2.06) previously agreed to investigate development potential

19	Etheridge Road	676-712	36	12	33%	Between 72 and 74 Etheridge Road	3	3	
20	Hillyfields	13-24	12	8	67%	Between flat blocks 80/98 and 100/112 Hillyfields	3	2	
21	Kirby Close	1-4	4	1	25%	Between 17 and 20 Kirby Close	4	8	Proposed that the adjacent bank, access road and access via Valley Hill is incorporated within the Appraisal. Cabinet (6.2.06) previously agreed to investigate development potential
22	Ladyfields	332-353	22	9	41%	Opposite 39-45 Ladyfields	1	2	
23	Langley Meadow – Site A	N/A	N/A	N/A	N/A	Adjacent to 21-24 Langley Meadow	1	4	Currently an amenity area for the flat block. Cabinet (6.2.06) previously agreed to investigate development potential
	Langley Meadow – Site B	N/A	N/A	N/A	N/A	Adjacent to 25-28 Langley Meadow	1	4	Currently an amenity area for the flat block. Cabinet (6.2.06) previously agreed to investigate development potential
25	Lower Alderton Hall Lane	440-445	6	2	33%	Opposite 1-6 Lower Alderton Hall Lane	2	3	
26	Marlescroft Way - Site B	581-591	11	6	55%	Adjacent to 85-89 Marlescroft Way	3	2	
27	Pyrles Lane – Site A	1-12	12	6	50%	Rear of blocks 109-127	3	2	
28	Pyrles Lane – Site B	82-109	28	7	25%	Rear of 100-108 Pyrles Lane	3	3	

29	Thatchers Close	N/A	N/A	N/A	N/A	Adjacent to 7 Thatchers Close	2	1	Currently unused land Cabinet (6.2.06) previously agreed to investigate development potential
30	Whitehills Road	354-380	27	12	44%	Rear of 4 Whitehills Road	3	3	Cabinet (6.2.06) previously agreed to investigate development potential
Matching Green									
31	Colvers	8-18	18	4	22%	Adjacent to 25 Colvers	3	2	
Nazeing									
32	Palmers Grove	1-25	25	6	24%	Rear of 30-44 Palmers Grove	3	4	
33	Pound Close	1-12	12	3	25%	Between 14(a) and 15 Pound Close	2	3	
North Weald									
34	Bluemans End	1-16	16	5	31%	Between 16 and 17 Bluemans End	2	4	
35	Queens Road	1-55	55	16	29%	Between 17 and 19 Queens Road	3	12	
Ongar									
36	Queensway	1-38	38	18	47%	Between 97 and 99 Queensway	3	3	

37	St Peter's Avenue	1-30	30	11	37%	Between 42 and 44 St. Peter's Avenue	3	8	Cabinet (6.2.06) previously agreed to investigate development potential
Roydon									
38	Parkfields - Site A	4-19	16	8	50%	Between 2 Parkfields and 52 Hansells Mead	2	3	
Theydon Bois									
39	Graylands	1-6	6	4	67%	Between 24 and 25 Graylands	3	2	
40	Green Glade	12-38	27	7	26%	Between 59 and 61 Green Glade	3	3	
Waltham Abbey									
41	Beechfield Walk	1-23	23	9	39%	Between 92 and 94 Beechfield Walk	1	6	
42	Bromefield Court	302-309	8	6	75%	Adjacent to 14 Bromefield Court	3	2	
43	Denny Avenue	8-32	25	15	60%	Between 34 and 35 Denny Avenue	2	3	
44	Gant Court	99-126	28	7	25%	4no. separate blocks between 6 & 7, 12 & 13, 19 & 20 and adjacent to 23 Gant Court	3	2	
45	Harveyfields	1-40	40	14	35%	Adjacent to 14 Harveyfields.	2	12	Cabinet (6.2.06) previously agreed to investigate development potential

46	Mallion Court	220-256	37	10	27%	6no. separate blocks: between 4 & 5; below 18-25; and adjacent to 12, 40-50, 51 and 52 Mallion Court	2	4	
47	Mason Way	200/202/ 204	3	1	33%	Adjacent to 204 Mason Way	3	1	
48	Pick Hill	1-21	21	17	81%	Between 14 Oxeys Road and 18 Conybury Close	4	3	
49	Roundhills	N/A	N/A	N/A	N/A	Site of former Red Cross Hall, and adjacent land. Rear of Roundhills Shops	3	7	Cabinet (7.3.11 and 30.1.12) previously agreed to investigate development potential
50	Roundhills – Site 4	225-232	8	2	25%	Opposite 198 Roundhills	1	4	
51	Roundhills – Site 5	241-249 252-255	13	6	46%	Rear of 89-95 Roundhills	2	2	
52	Roundhills – Site 6	256-259 272-275	8	3	38%	Between 15 and 17 Greenleas	2	2	
53	Roundhills – Site 7	176-180 187-208 219-224	33	11	33%	Between 79 and 81 Roundhills	2	6	
54	Shingle Court	318-325	8	2	25%	Adjacent to 16 Shingle Ct	3	2	
55	Stonyshotts	1-3	3	0	0%	Between Cross Terrace and Honey Lane	2	1	Garages suffer from major structural problems – expensive to repair
56	St. Thomas's Close	1-12	12	6	50%	Between 15 and 17 St. Thomas' Close	4	6	
57	Woollard Street	1-39	39	10	26%	Adjacent to 15 Woollard St.	2	6	

58	Wrangley Court	388-394	7	2	29%	Adjacent to 7 Wrangley Ct	3	2		
Total Vacant Garages				428	Total Maximum No. of Properties				210	
					"Average" Ease of Development			2.6		

Reserve List

Ref	Garage Location	Garage Nos.	Total on Site	No. Vacant (1.7.12)	% Vacant	Location of Site / Entrance	Ease of Devt. 1=Easy; 5=Hard	Max. no. of Properties	Comments
Buckhurst Hill									
Page 9	Thaxted Road	1-12	12	2	17%	Adjacent to 4A Thaxted Road	3	2	
Tipping									
60	Centre Drive – Site A	1-7	7	1	14%	Adjacent to 24 Western Avenue	2	2	
61	Coronation Hill – Site A	1-17 37-38	19	1	5%	Between 51 and 53 Coronation Hill	4	2	
62	Coronation Hill – Site B	21-28	8	1	13%	Rear of 48 Coronation Hill	4	2	
Loughton									
63	Marlescroft Way – Site A	573-580	8	1	13%	Adjacent to 26 Marlescroft Way	3	1	

Roydon										
64	Hansells Mead	1-3	3	0	0%	Adjacent to 2 Hansells Mead	2	1	Small site (6 or less garages)	
65	Parkfields – Site D	32-34	3	0	0%	Between 15 and 17 Parkfields	2	1	Small site (6 or less garages)	
66	Parkfields – Site B	20-21 28-31	6	0	0%	Adjacent to 99 Parkfields	2	1	Small site (6 or less garages)	
67	Parkfields – Site C	22-25	4	0	0%	Between 88 and 90 Parkfields	2	1	Small site (6 or less garages)	
Toot Hill										
Page 8	Barnmead	1-7	7	1	14%	Adjacent to Green Man PH	4	2		
Waltham Abbey										
69	Sudicamps Court	310-317	8	1	13%	Adjacent to 14 Sudicamps Court	3	2		
Total Vacant Garages				8	Total Maximum No. of Properties				17	
					“Average” Ease of Development		2.8			

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Report to the Cabinet

Report reference: C-009-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Portfolio: Finance and Technology

Subject: Localisation of Council Tax Support

Responsible Officer: Janet Twinn (01992 564215).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That a general principle is agreed that the scheme of Local Council Tax Support should be cost neutral for the Council;**
- (2) That the elements of the scheme as set out in paragraphs 8 and 9 are approved for consultation purposes;**
- (3) That Members determine which of the other options as set out in paragraph 10 are included as part of the consultation process;**
- (4) That Members confirm that the Council should participate in the six week countywide consultation exercise commencing on 1 August; and**
- (5) That the Chairman of Council be requested to waive the call in arrangements for this decision due to its urgency as any delay would prejudice the Council's interest.**

Executive Summary:

On 25 June 2012, the Finance & Performance Management Cabinet Committee received an overview of the Government's decision to replace Council Tax Benefit with a new system of Local Council Tax Support.

The timetable for implementing a Local Council Tax Support scheme is very tight, with the final scheme requiring approval by full Council in December 2012. The draft scheme will be the subject of formal consultation with the major precepting authorities (Essex County Council, Essex Police Authority and Essex Fire Authority). In addition, there will be consultation with the public and voluntary bodies. In order to achieve approval of the final scheme in December 2012, the consultation will need to be undertaken during August and September. It is therefore necessary for the Cabinet to determine its proposals for a draft Local Council Tax Support scheme so that consultation may take place within this timescale.

The Epping Forest District Council scheme is being prepared within the framework of an Essex-wide scheme that seeks to achieve cost neutrality, i.e. the cut in Government funding is to be offset by making reductions in the amount of support that working age households can receive. A scheme that is not cost neutral is likely to result in cuts to services by the Council and all the precepting authorities.

Reasons for Proposed Decision:

The Council is required to undertake consultation prior to agreeing a Local Council Tax Support scheme. The scheme must be agreed by full Council and be in place by 31 January 2013. If the Council fails to have a scheme in place by this date, the Government's default scheme will be imposed.

In view of the very tight timescales to have a scheme in place, consultation needs to be undertaken from the beginning of August. If consultation is commenced later, it will not be possible to complete the consultation and finalise the scheme in time for a further report to Cabinet in October. It is currently planned that all the Essex authorities will undertake consultation on the Essex wide framework during the same period and therefore it is necessary to request that the call in is waived.

Other Options for Action:

The Council could choose to adopt the default scheme as determined by the Department for Communities and Local Government. It would not then be necessary to devise a scheme specifically for Epping Forest and consultation would not be required. However, the default scheme will be based upon the current national scheme with no restriction as to who can claim or how much can be paid and expenditure will exceed the grant from the Government. The scheme will therefore not be cost neutral for the Council, or the precepting authorities.

Report:

Proposed Local Council Tax Support scheme

1. Essex Benefit Managers and ECC finance officers have been meeting on a regular basis since January 2012 to design an Essex wide framework for LCTS, reducing duplication of effort, sharing expertise, with mutual support for possible challenge and helping with strategic engagement with suppliers.
2. The over arching principle is an Essex scheme that is cost neutral, so the impact of the reduced funding from Central Government is passed onto claimants. However, due to the different demographics of individual billing authorities, it is unlikely that there will be a scheme that is uniform across Essex, but it is intended to have a common framework with local variations.
3. All Essex authorities expect to adopt the following items in their schemes:
 - Design a cost neutral scheme that passes the cut in funding to working age claimants.
 - All pensioners will be treated as a class that is protected from the changes, so all changes will be for working age only.
 - The local support scheme will be means tested for 2013/14, using a lot of principles of the current Council Tax Benefit scheme.
 - The current Second Adult Rebate scheme will not be included in the LCTS scheme for working age claimants.
 - To reduce the capital limit from £16,000 to £6,000.
 - Restriction of support to a maximum liability, either by restriction to a specific Council Tax banding and/or a % restriction of liability with variations in different Essex authorities.
 - Minor changes to the treatment of 'changes in circumstances' to remove the requirement to calculate and award 'underlying entitlement' when overpayments occur, either due to a failure to report a change in circumstance or fraud.

- The billing authority to make available a small sum to cover exceptional hardship cases.
4. ECC have participated in this process and the Police and Fire representatives have indicated their support for the work done. ECC, Police and Fire have indicated that provided schemes are cost neutral, they are unlikely to object to the scheme details.
 5. Other benefits of a county-wide approach include potential support from ECC in particular (and possibly Police and Fire) with managing the risk from legal challenge, and contribution of funding for an exceptional hardship fund, additional recovery and anti-fraud work. ECC have also agreed to participate in the consultation process by hosting the on-line consultation response forms.
 6. Detailed analysis of methods of reducing support has been undertaken, based upon fairness, ease of understanding and ease of administration, taking into account the demographic profile of current CTB claimants. This exercise has been complicated for the five Essex Authorities (including EFDC) that use the Capita Revenues and Benefits IT system as the software for modelling a scheme was not available until late June whilst the other two software suppliers made their modelling software available in March/April. In view of this, initial costs of the current scheme have had to be achieved from profiling specific groups and it has not been possible to include the actual impact on specific groups of claimants in this report.
 7. The following are the aspects of the proposed Epping Forest scheme, which are consistent with the Essex- wide principles noted above.
 8. Pension age claimants will be protected which means that the amount of council tax support under the new scheme will be no less than the amount of Council Tax Benefit currently being paid. This does not mean that they will not have to pay more Council Tax e.g. if the precepts are increased.
 9. The amount of support to working age households will be reduced by the principles of the Essex-wide framework set out above and the proposed methods set out below:
 - The calculation of support will be based on 80% of the Council Tax bill, rather than 100% at present. This will give the majority of the savings required, but as the savings do not generate sufficient to give a cost neutral scheme, additional changes will be required.
 - The calculation of support will be based on a maximum of a band D property. This means that anyone of working age that lives in a property with a Council Tax Band of E, F, G, or H, will have their support calculated as if their property was a in a band D.
 - Inclusion of child maintenance in the calculation with a disregard of £15 per week (per family). This is currently disregarded in full in the CTB calculation but is income that is received into a household that may not be available to other households that pay the same amount of Council Tax.
 - Reduce the period of backdating (with good cause) from the current 6 months to 3 months. This brings the time limit into line with the current rules for pensioners, although pensioners do not have to show good cause.
 - The introduction of an exceptional hardship scheme for LCTS which will support people whose individual circumstances mean that the increased Council Tax liability is causing them exceptional hardship.
 10. Members may also want to consider whether the following should be considered for inclusion in the scheme to be consulted upon:

- A flat rate non-dependant deduction included in the calculation instead of the varying rates included in the CTB calculation. This will produce some savings but also some additional payments. It will however, make the administration of the scheme easier and a recalculation of LCTS will not be required when there are changes to a non-dependants income.
- Inclusion of child benefit in the calculation of LCTS. This income is currently disregarded but is income currently received that is not available to other households that pay the same amount of Council Tax.
- Minimum award of £1 per week (to reduce administration). There is currently no minimum award of CTB and in theory a person could receive just £0.52 per year. A minimum award of £1 per week will mean that awards of less than £52 per year will be cancelled but the additional liability is more likely to be affordable.
- The protection from the cuts in benefit of certain groups of people such as the disabled and families with children under 5 years. However, providing protection to these groups of people will result in non protected groups having to pay even higher amounts of Council Tax and the possibility that the maximum support would need to be lower than the proposed 80%.

11. Other forms of income are currently disregarded in CTB such as Disability Living Allowance and War Disablement Pensions but it is not proposed to include these in the calculation of LCTS as this would have an adverse impact on some of the most vulnerable groups.

12. The proposed scheme has taken into account the ability to pay and the collectability of the resultant Council Tax liability. Although regard has been taken of the impact on disabled claimants, families with children and not removing incentives to work, if full protection is provided to these large groups of people, it will mean that childless job seekers, some of whom receive just £67.50 per week, will bear the cost of the cut in funding in full. This is likely to lead to an increase in recovery activity and in write offs as the debts would not be recoverable.

13. At the time of preparing this report only 3 other authorities have published their schemes for consultation. However, it appears that the principles in the proposed EFDC scheme are similar to the proposals being considered by other authorities.

14. The final scheme will partly be dependant upon the provision of IT software that can calculate LCTS in accordance with the proposals. At present, our software supplier has indicated that they will be supplying software that can calculate LCTS in accordance with the proposals in this report.

Residency Qualification

15. An issue that needs to be considered is the extent to which existing residents can be favoured in any local scheme through the use of a qualification period to exclude those that have only recently located in the district. There is concern that the other Welfare Reforms and benefit restrictions may lead to claimants leaving some London boroughs and locating in neighbouring districts, causing pressure on services and resources in those districts.

16. Whilst the concern is a genuine one and some migration away from London boroughs is already evident, there are a number of practical difficulties with implementing a residency qualification. The primary concern is whether a residency qualification period would be subject to challenge as being discriminatory. It is believed that benefits must be available equally to anyone from a European Union member state, however this is a complex area of

law and a legal opinion is being sought to clarify this.

17. If a residency qualification was to be introduced, a system to record this data would be required. This information is not held for current claims and the software does not have a field where it could be captured and used to put qualifying claims into payment. As this requirement is specific to this Council it is unlikely that Capita would be prepared to amend their system and even if they were there would be a charge for doing so. If it was not possible to record this data and have it working directly as part of the Capita system there would need to be a parallel system and a process of manual intervention. This would be possible but would complicate the process and add to the costs of administration.

18. As the data is not currently held, a question arises over how the current caseload would be treated if a residency qualification were introduced. Would staff be required to contact all existing claimants (approximately 9,000) at 1 April 2013 to confirm their length of residency? If existing claimants had been resident for less than the qualification period would their claims then be taken out of payment? If the restriction was only applied to new claims you could have the situation where someone who moved in on 31 March 2013 was eligible but someone who moved in on 1 April 2013 was not.

19. It is also worth considering the difficulty in collecting Council Tax in many of these cases. Under the proposed scheme even those of working age receiving the highest amount of Council Tax Benefit will still have to pay 20% of the charge. As many of these people have limited means it will be difficult for them to pay and overall it is anticipated that the collection rate for Council Tax will fall. If we know that people will find it difficult to pay 20% of the charge it is unrealistic to expect them to pay 100%. Indeed it can be argued that someone on limited means may make some effort to pay £6 per week but is likely to just ignore a demand for £30 per week. If this were to happen the introduction of a residency qualification could reduce the overall amount collected and simply result in more bills being written off.

20. The Welfare Reform Act states that local authorities must have regard to the disabled, people with children and must not remove incentives to work. A residency qualification could be inconsistent with all these. There may be people moving to our area for support for their disability or due to domestic violence. Do we then make exceptions? If we make too many exceptions, the complexity of the scheme and its administration costs increase.

21. In view of the issues set out above it is not proposed to include the option of a residency qualification in the consultation.

Consultation

22. Before final approval of the scheme, councils are required to consult:

- Major precepting authorities (County, Police, Fire)
- The public
- Relevant stakeholder groups e.g. CAB, voluntary bodies

23. Essex County Council finance officers have attended all the pan-Essex benefit managers meetings and have reported to their Cabinet on 19 June 2012. Despite being invited to all the meetings, the Police authority and the Fire authority have not attended any of the meetings but they have received all the minutes and documents from the meetings. They have indicated that provided the schemes are cost neutral, they are unlikely to object to the schemes. Consultation now needs to take place with the public and other relevant stakeholders.

24. The Essex authorities are planning on co-ordinating the consultation and having the same consultation period. Consultation will commence 1 August 2012 and last for six weeks. The responses will then be considered before the final recommendations are presented to Cabinet in October 2012 and full Council in December 2012. Although a longer consultation period may be desirable, the tight timescales for the authority adopting a scheme mean that a longer consultation period will not be possible. The Consultation Institute has issued a document 'Consultation aspects of Council Tax Benefits Localisation'. In that document they recognise that a shorter timescale than normal may be necessary, particularly where more rapid decision-making is required.

25. Following discussions with the other Essex authorities and ECC, it has been determined that each authority will publish their draft scheme on their individual websites with a link for responses to ECC who have the necessary consultation software. ECC have the ability to provide the consultation in a different format if required, and they will also host an email facility for anyone who wishes to supply a fuller response. The responses will then be fed back by ECC to the relevant authority. For anyone who does not have access to the internet, the draft scheme and ability to respond in paper format will be made available.

26. The pan-Essex group is producing a bi-monthly newsletter distributed to Members, staff and external stakeholders which will give details of the consultation and how to respond.

27. The Council will write to all current CTB claimants (working age and pensioners) giving them an outline of the proposed scheme and explain if they will be affected or protected. The consultation and methods for providing consultation responses will be included in the letter. It is intended to send the letter at the commencement of the consultation. It is also intended to send a further letter in December/January to working age people, by which time final scheme proposals will enable us to give a more accurate indication of the effect on each household. It is hoped that this will reassure pensioners and give fair notice to people of working age that from 2013 they will be required to pay more Council Tax and budget accordingly.

Timeline

- 23 July 2012 - Cabinet to review the draft scheme in readiness for consultation
- 1 August 2012 - Commencement of six week consultation period
- 22 October 2012 - Cabinet to determine the final scheme for full Council approval.
A reserve date of 3 December 2012 has been provisionally set in case more time is needed to develop the scheme
- 18 Dec 2012 - Full Council to approve final scheme.
- Dec 12/Jan 2013 - Letters to existing claimants
- Feb to Mar 2013 - 2013/14 budgets and Council Tax set.
Council Tax bills issued

Other considerations

28. Introducing a LCTS scheme is a key change but there are many other welfare reforms on the horizon which will make it an extremely challenging couple of years for the Council and its residents. These are outlined below:

- The introduction of a benefit cap on the total weekly benefit payments that a household can receive
- A Housing Benefit size criteria restriction for people renting in the social sector
- The introduction of Universal Credit where claimants will receive the majority of their benefits, including housing costs, in one lump sum.
- Changes to Tax Credits impacting on claimants eligible for the 50-plus element of Working Tax Credits and couples with children
- Social Fund reform which transfers responsibility for Social Fund loans to Unitary Councils
- The transfer of Disability Living Allowance for working age people to Personal Independence Payments
- Supported Housing reform which reforms the payment of benefit to people in supported and specialist housing
- The introduction of the Single Fraud Investigation Service. New powers in the Welfare Reform Act will enable joint investigations between DWP, HMRC and local authorities. To support this, a Single Fraud Investigation Service comprising of resources from the three organisations will be formed in April 2013. Local Authority Investigation staff will not transfer to SFIS until 2015 but will be working to SFIS guidelines from April 2013. Although SFIS will undertake investigations into Housing Benefit fraud, they will not be undertaking any investigation into LCTS fraud.

Waiver of Call In

29. In order for the Council to be able to participate in the co-ordinated county wide consultation process commencing on 1 August 2012, it is necessary for the ordinary call in arrangements for the decisions set out at the start of this report to be waived.

Resource Implications:

Implementation costs:

The Government has provided an initial grant of £84,000 and has indicated that additional funding will be made available. It is anticipated that the implementation costs will be met from the Government funding but there may be a need to supplement this when the full costs are known.

Abolition of Council Tax Benefit:

Around £9m of expenditure and £9m of subsidy income will be deleted from the Council's budget from 2013/14. A contingency will need to be retained in case of subsidy being clawed back by DWP. For example when excess payments of Council Tax Benefit relating to periods prior to April 2014 are identified after 1 April 2014.

Impact of new LCTS scheme:

The scheme is being designed to achieve 'cost neutrality' – defined as being that there will be reductions in the amount of financial support given to local people sufficient to cover the cut in Government funding. The estimated cost of LCTS should therefore be in line with the Government funding being made available. Provisional funding figures have been announced and amount to around a 12% cut compared with current funding levels. It is higher than 10% because the Government has based its calculations on a notional future measure of expenditure that includes inflation. In addition, because people of pension age are protected from any cut in LCTS, the increase in Council Tax liability for people of working age will be in excess of 20%. The final funding figures will not be available until late Autumn. However, although the scheme is being designed to be cost neutral, this is dependent upon the increases in liability for Council Tax for working age people on low income being collected. Recovery costs may therefore increase and the Council Tax collection rate may reduce.

The costs of LCTS and the Government funding for the scheme will be borne by the major precepting authorities in proportion to their precept size: currently ECC 7.5%, Police 9.5%, Fire 4.6%, and EFDC 10.4%.

The scheme needs to be designed to ensure, as far as possible, stability and sustainability in the Council's finances.

LCTS treated as a discount:

LCTS will be treated as a discount on the Council Tax bill, much like Single Persons Discounts. This means that the taxbase will be smaller. In order to avoid significant increases in the Band D figure arising from a smaller taxbase, the Government funding will be treated as income that reduces the Council's bottom line, and therefore, reduces the amount to be raised from Council Tax.

Exceptional Hardship fund:

It is inevitable that there will be a small number of households with unforeseeable exceptional circumstances. The Council may wish to retain discretion to provide additional support to such people. Details of how such a fund would operate need further work but currently it is anticipated that it will operate in the same way as the current Discretionary Housing Payment scheme.

Legal and Governance Implications:

Adoption of LCTS is a statutory requirement. Failure to do so will lead to a default scheme being imposed by the Government.

Safer, Cleaner and Greener Implications:

There are no specific implications.

Consultation Undertaken:

Consultation has been undertaken with ECC and the Police and Fire authorities. The draft scheme will be subject to formal consultation as set out in this report.

Background Papers:

Finance and Performance Management Scrutiny Panel report 25 June 2012.

DCLG publications on LCTS

Pan-Essex Benefits working group documentation including options appraisals.

Consultation Institute publication 'Consultation aspects of Council Tax Benefits Localisation'

Impact Assessments:

Risk Management

Key risks have been set out in a risk register which was provided in the report to the Finance and Performance Management Cabinet Committee on 25 June 2012. There have been no changes to the Risk Register since that report.

Consultation:

Consultation on LCTS has to be undertaken as outlined in the Welfare Reform Act 2012.

Failure to consult could result in a legal challenge to the Council's scheme.

Default scheme:

If the EFDC LCTS is not in place by 31 January 2012, the Government's default scheme will be imposed upon the authority. The cost of the default scheme will exceed the Government grant and the major precepting authorities will need to fund the shortfall in excess of £900,000.

Demand Risk:

The Government grant in 2013/14 will be a fixed sum. There is a possibility that demand and eligibility for financial support under the LCTS may be greater than current levels, particularly if economic conditions worsen. The cost of additional discounts would be borne in proportion by the major precepting authorities (ECC, Police, Fire, and EFDC). Conversely if demand falls (e.g. if economic conditions improve), the additional saving would be realised by the same authorities. Thus the local authority has direct financial incentives to support the local economy.

Inflation risk:

Council Tax freezes have operated in the last two years however there are no indications yet about whether freezes will continue. There is a risk therefore that if Council Tax is increased by County, Police, Fire, District or parishes, then the cost of LCTS will increase. An exercise will be needed to estimate the additional net income that would arise from a Council Tax increase, the cost of LCTS and collectability losses.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

Formal Equality Impact Assessments will be undertaken prior to the scheme being finalised. People of pension age are protected from changes to LCTS and there will therefore be a disproportionate effect on working age households currently in receipt of Council Tax Benefit. As Council Tax Benefit is awarded to those on low income, any change will hit such households the hardest as working age residents on a low income will have more Council Tax to pay.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

The proposed scheme spreads the changes as widely as possible among the affected client group to reduce inequalities. The proposed scheme still includes matters in the calculation such as premiums for children and disabled persons, thereby giving some protection to more vulnerable groups.

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Report to the Cabinet

Report Reference: C-010-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Portfolio: Finance and Technology

Subject: Extension of Insurance Contract

Responsible Officer: Bob Palmer (01992 564279)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To exercise the option of a two year extension on the current three year agreement with Zurich Municipal for the Council's insurance policies.

Executive Summary:

The Council is currently insured almost exclusively through Zurich Municipal (ZM), an arrangement that has been in place for many years. In 2010 the Council participated in a collaborative procurement exercise, sponsored by the Regional Improvement and Efficiency Partnership (RIEP), with eleven other authorities. The outcome of this process was disappointing as the only insurer to quote for the whole portfolio was ZM and ZM were only prepared to enter contracts for the whole portfolio of covers. Therefore the Council had no choice other than to enter into a new agreement with ZM.

The contract was let for three years with an option to extend for a further two. The third year of the contract has now commenced and it is recommended that the two year extension option is exercised.

Reasons for Proposed Decisions:

Contract Standing Order C20 requires approval from either Council or Cabinet before any tender valued in excess of £1 million can be accepted.

Other Options for Action:

The Council could conduct a fresh tendering exercise but market intelligence suggests this would be unlikely to produce a better outcome than that being offered by ZM.

Report:

1. On 6 June 2005 Cabinet agreed to enter into a five year contract for insurance cover with ZM. The tender exercise in 2005 had been conducted with help from a broker, AON, and so in anticipation of a new tender a process to engage a broker had begun in September 2009. Before a broker had been appointed the Council was contacted by the RIEP and asked to participate in a collaborative procurement exercise. It was hoped that the combined size of the authorities in this exercise would generate wide interest from the insurance market and produce savings. To conduct this exercise the RIEP appointed a specialist insurance consultancy called The Risk Factor (TRF). The exercise was hosted by St Edmundsbury Council and also involved, Braintree, Chelmsford, Forest Heath, Great Yarmouth, Luton, North Norfolk, Rochford, South Holland, South Norfolk and West Lindsey Councils.

2. TRF ran the tender process, with the OJEU notice being published on 20 November and tenders returned on 10 February. Responses were then analysed and a number of suppliers made presentations and clarifications in early March. Based on an initial analysis of the responses TRF recommended awarding the policies for engineering, computers and contractors to HSB Engineering Insurance, the policy for personal accident to ACE Europe, engineering inspections to Bureau Veritas and all other policies to ZM.

3. Following the clarifications it became clear that ZM would only offer complete portfolio packages and were not prepared to offer cover for individual policy areas. As ZM were the only provider to quote for the key areas of Employer's Liability and Public Liability, TRF were forced to amend their recommendation as a split portfolio could not be achieved.

4. ZM had offered additional discount worth approximately £30,000 per year for the Council to enter into a five year agreement, rather than a three year one with an option to extend for a further two years. However, the Official Journal of the European Union (OJEU) notice published by the RIEP's consultants stated that the extension option cannot be exercised until year three. The Council did not pursue this option as it could have been challenged due to the contract being awarded on a different basis to that on which it had been advertised. Although the risks of challenge were small, given the level of spend on insurance if a Court had found in favour of any challenger the penalties would run into hundreds of thousands of pounds.

Market Intelligence

5. Market intelligence suggests there are fewer insurance companies interested in the local authority market and those that remain interested are increasing premiums. This view is supported by the recent experience of another Essex district council. The authority in question recently undertook a tender for its insurance policies and invited seven companies to bid. Only ZM and two other companies returned bids, with one of the companies being nearly twice as expensive as ZM and the other being a third more expensive than ZM. The business was awarded to ZM but the premiums offered represented an increase of approximately 10%.

6. The Director of Finance & ICT has discussed the extension option with the Council's relationship manager at ZM and has been offered terms that represent good value for money and may not be bettered by a tendering exercise. If the Council decides to exercise the two year extension option, ZM have offered a rebate of £5,000 against the 2012/13 premiums to hold them in total at the 2011/12 level and will hold premiums for 2013/14 at this level too.

Resource Implications:

If Members decide that a tendering exercise should be undertaken additional funds will be needed to employ an insurance broker to assist with the exercise.

Annually the Council pays approximately £700,000 for its insurance policies, although around £100,000 of this is recharged to third parties.

Legal and Governance Implications:

The Council is required to maintain appropriate levels of insurance cover for its activities.

Safer, Cleaner, Greener Implications:

There are no environmental implications.

Consultation Undertaken:

One other Essex authority which has recently tendered for insurance.

Background Papers:

None.

Impact Assessments:

Risk Management

Insurance is necessary to cover the risks associated with the Council’s activities.

Market intelligence suggests that the deal currently being offered by ZM is unlikely to be improved upon. However, it is possible that a tender exercise might result in lower premiums.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council’s general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? N/A

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.

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Report to the Cabinet

Report reference: C-011-2012/13

Date of meeting: 23 July 2012



**Epping Forest
District Council**

Portfolio: Environment

Subject: Fixed penalty notices relating to waste receptacles

Responsible Officer: John Gilbert (01992 564062).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the level of fixed penalty for offences relating to domestic waste receptacles be set at the statutory default level of £60.00;
- (2) That the discounted fixed penalty for early payment be set at the statutory minimum level of £40.00
- (3) That the level of fixed penalty for offences relating to trade/commercial waste receptacles be retained at the statutory default level of £100.00;
- (4) That all other policies and payment processes relating to fixed penalty notices be retained as agreed by Cabinet at its meeting on the 1st of February 2010 (Ref: 1 Feb 2010 – Minute 130); and
- (5) Changes to the fixed penalty notices for domestic waste receptacles be advertised locally and on the Council's website.

Executive Summary:

In February 2010 Cabinet resolved to introduce the use of fixed penalty notices covering a wide range of environmental offences. The offences included those relating to waste receptacles, such as waste placed in the wrong container or overfull. Government has recently completed a consultation exercise on waste related matters, the full outcome of which has not yet been published. However, they made an early decision on the offences relating to waste receptacles, with a reduction in penalties coming into effect on the 30th of May 2012. This report makes recommendations on the penalties to be applied for such penalty notices.

Reasons for Proposed Decision:

The Council has either to adopt the governments statutory Fixed Penalty levels or resolve to implement another within the range made available. If no decision is made, the Government defaults will automatically apply.

Other Options for Action:

To do nothing and allow Government default penalties to apply.

Report:

1. In February 2010 Cabinet resolved to introduce the use of fixed penalty notices covering a wide range of environmental offences. The offences included those relating to waste receptacles, such as waste placed in the wrong container or overfull. Government has recently undertaken a consultation exercise on waste related matters, the full outcome of which has not yet been published.

2. Government has recently completed a consultation exercise on waste related matters, the full outcome of which has not yet been published. However, they have made an early decision on the offences relating to waste receptacles, with a reduction in penalties coming into effect on the 30th of May 2012. This decision is intended to send a message to local authorities and residents alike, that Government see fixed penalty notices as a last resort and that they should not be set at unreasonably high levels for what are seen by Government as relatively minor offences.

3. At the February 2010 meeting, Cabinet resolved to apply the statutory default penalties to all the various environmental offences. It also resolved that the maximum period which should be allowed to elapse between receipt of a fixed penalty notice and being eligible for an early payment discount should be 10 days. The level of penalty set was:

- Fixed penalty £100 (range available £75 to £110); and
- Discounted penalty £60 (range available £110 to £60).

4. The Government has, with effect from the 30th of May 2012, reduced these for domestic waste receptacles to:

- Fixed penalty range available £80 to £60;
- Discounted penalty range available £80 to £40; and
- Government default penalty £60.00.

5. Whilst there is an option to apply a fixed penalty within the £80 to £40 range, in order to remain in line with all other fixed penalties, which are set at the Government default, it is suggested that this policy should be retained and the fixed penalty be set at £60.00. On the same basis it is suggested that the discounted rate should be set at the Government minimum of £40.00. **(Recommendations 1 & 2)**

6. It is further suggested that all other policies relating to the issue and processing of fixed penalty notices offences be retained as agreed in February 2010, including retention of the present penalty should the offence relate to a trade waste receptacle. **(Recommendations 3 & 4)**

7. It is worthy of note that, unlike some authorities, this Council has continued to approach problems on waste collection from a stance that advice, assistance and encouragement is preferable to enforcement and therefore although the fixed penalty notices have been available, only 10 have been issued in relation to such offences. This should be seen as compared to 48 issued for littering offences since February 2010. This recommended change is therefore seen as a procedural one required to ensure that the Council's enforcement policies are enforceable.

8. Although no guidance has been issued in this regard, the original fixed penalty regime was required to be advertised to ensure that anyone had the opportunity to be aware that the regime was in place. Although if the recommended changes are made this will result in a lowering of the fixed penalty, it is still suggested that the change be advertised locally and on the Council's website, again to ensure that any notices issued cannot be challenged on

the grounds of process. **(Recommendation 5)**

Resource Implications:

There are no significant resource implications. Fixed penalty notices are issued as part of the routine duties of existing Environment & Neighbourhood Officers, and whilst all fixed penalty income is retained, due to the very low numbers issued in respect of waste receptacles, the impact is minimal.

Legal and Governance Implications:

A range of legislation applies to these offences and the associated FPNs, including:

- Environmental Protection Act 1990
- Clean Neighbourhood and Environment Act 2005
- Control of Dogs (Non-application to Designated Land) Order 2006
- The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006
- The Anti Social Behaviour Act 2003
- The Noise Act 1996

Defra has also published guidance on the use of fixed penalty notices which the Council has considered as part of its adopted enforcement policy.

Safer, Cleaner and Greener Implications:

There are no implications since the existing agreed policies will continue to be applied.

Consultation Undertaken:

Whilst not strictly required it is suggested that the recommended changes, if agreed, be advertised locally and on the Council's website

Background Papers:

Report to Cabinet and published minutes for February 2010
Defra press release May 2012

Impact Assessments:

Risk Management

No additional risks to those set out in the original cabinet report in February 2010

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? Yes

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? Yes

What equality implications were identified through the Equality Impact Assessment process?
See Cabinet report February 2010

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

See Cabinet report February 2010