



## ***Overview & Scrutiny Committee Thursday, 31st March, 2022***

You are invited to attend the next meeting of **Overview & Scrutiny Committee**, which will be held at:

**Council Chamber - Civic Offices**  
on **Thursday, 31st March, 2022**  
at **7.00 pm**.

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer:**

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### **Members:**

Councillors M Sartin (Chairman), R Jennings (Vice-Chairman), R Baldwin, P Bhanot, P Bolton, I Hadley, S Heather, J Lea, A Lion, T Matthews, S Murray, D Plummer, S Rackham, P Stalker, J H Whitehouse, K Williamson and D Wixley

**PLEASE NOTE THAT THIS MEETING IS OPEN TO ALL MEMBERS TO ATTEND  
SUBSTITUTE NOMINATION DEADLINE 18:00**

### **WEBCASTING NOTICE**

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

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**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

The Chairman will read the following announcement:

This meeting is to be webcast and 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, and if you have any concerns then please speak to the Webcasting Officer.

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

**2. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

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

**3. SUBSTITUTE MEMBERS**

To report the appointment of any substitute members for the meeting.

**4. MINUTES (Pages 7 - 16)**

To confirm the minutes of the meeting of the Committee held on 27 January 2022.

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

In considering whether to declare a pecuniary or a non-pecuniary interest under the Council’s Code of Conduct, Members are requested to pay particular attention to paragraph (11) of the Code in addition to the more familiar requirements.

This requires the declaration of a non-pecuniary interest in any matter before Overview & Scrutiny which relates to a decision of or action by another Committee or Sub-Committee of the Council, a Joint Committee or Joint Sub-Committee in which the Council is involved and of which the Councillor is also a Member.

Paragraph (11) of the Code of Conduct does not refer to Cabinet decisions or attendance at an Overview & Scrutiny meeting purely for the purpose of answering questions or providing information on such a matter.

**6. PUBLIC QUESTIONS & REQUESTS TO ADDRESS THE OVERVIEW AND SCRUTINY COMMITTEE**

(Democratic & Electoral Services Team Manager) To receive questions submitted by members of the public and any requests to address the Committee, in accordance with Article 6 (Overview and Scrutiny) of the Council's Constitution.

**(a) Public Questions**

Members of the public may ask questions of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee, in accordance with the procedure set out in the Constitution.

**(b) Requests to address the Overview and Scrutiny Committee**

Any member of the public or a representative of another organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business), due to be considered at the meeting.

**7. EXECUTIVE DECISIONS - CALL-IN**

(Democratic & Electoral Services Team Manager) To consider any matter referred to the Committee for decision in relation to a call-in, in accordance with Article 6 (Overview and Scrutiny) of the Council's Constitution.

**8. ANNUAL REVIEW OF THE WORK UNDERTAKEN BY EPPING FOREST YOUTH COUNCIL (Pages 17 - 28)**

To receive a presentation on the annual progress of the work undertaken by the Community, Culture and Wellbeing Team with the Epping Forest Youth Council (see report attached).

**9. PROPOSED EPPING FOREST DISTRICT MARKET POLICY (Pages 29 - 62)**

To comment on the attached report and make recommendations on the adoption of an Epping Forest District Market Policy and associated Fees Policy, prior to consideration by Cabinet on 11 April 2022.

**10. EPPING FOREST SPECIAL AREA OF CONSERVATION STRATEGIC ACCESS MANAGEMENT AND MONITORING STRATEGY AND GOVERNANCE ARRANGEMENTS (Pages 63 - 110)**

To comment on the attached report and make recommendations on the adoption of a Partnership Agreement for the delivery of Strategic Access Management and Monitoring (SAMM) Strategy for the Epping Forest Special Area of Conservation for consideration by Cabinet at its meeting on 11 April 2022.

**11. CLIMATE CHANGE ACTION PLAN CONSULTATION UPDATE (Pages 111 - 116)**

To consider the attached report on the outcomes of the Climate Change Action Plan Consultation ahead of the Climate Change Action Plan going to Cabinet on 11 April 2022.

**12. OVERVIEW AND SCRUTINY 2021 – 22 ANNUAL REPORT (DRAFT) (Pages 117 - 140)**

To consider the attached draft annual report. A final draft would be reviewed on 16 June 2022 for approval by Council on 28 July 2022.

**13. CABINET BUSINESS (Pages 141 - 156)**

**Recommendation:**

**That the Committee review the Executive's current programme of Key Decisions to enable the identification of appropriate matters for the overview and scrutiny work programme and the overview of specific decisions proposed to be taken over the period of the plan.**

Article 6 (Overview and Scrutiny) of the Constitution requires that the Committee review the Executive's programme of Key Decisions (the Cabinet Forward Plan) at each meeting, to enable the identification of appropriate matters for the overview and scrutiny work programme and to provide an opportunity for the overview of specific decisions proposed to be taken over the period of the plan.

The Constitution (Article 14 (Decision Making)) defines a Key Decision as an executive decision which:

- (a) involves expenditure or savings of £250,000 or above which are currently within budget and policy;
- (b) involves expenditure or savings of £100,000 or above which are NOT currently within budget and policy;
- (c) is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards;
- (d) raises new issues of policy;
- (e) increases financial commitments (i.e. revenue and/or capital) in future years over and above existing budgetary approval;
- (f) comprises and includes the publication of draft or final schemes which may require, either directly or in relation to objections to, the approval of a Government Minister; or
- (g) involves the promotion of local legislation.

Wherever possible, Portfolio Holders will attend the Committee to present forthcoming key decisions, to answer questions on the forward plan and to indicate where appropriate work could be carried out by overview and scrutiny on behalf of the Cabinet.

The Executive’s current programme of Key Decisions of 1 March 2022 is attached as an Appendix to this report.

**14. OVERVIEW AND SCRUTINY COMMITTEE - WORK PROGRAMME (Pages 157 - 162)**

Progress towards the achievement of the work programme for the Overview and Scrutiny Committee is reviewed at each meeting.

**(a) Current Work Programme**

The current work programme for the Committee is attached as an appendix to this agenda.

**(b) Reserve Programme**

A reserve list of scrutiny topics is developed as required, to ensure that the work flow of overview and scrutiny is continuous. When necessary, the Committee will allocate items from the list appropriately, once resources become available in the work programme, following the completion of any ongoing scrutiny activity.

Members can put forward suggestions for inclusion in the work programme or reserve list through the adopted PICK process. Existing review items will be dealt with first, after which time will be allocated to the items contained in the reserve work plan.

**15. SELECT COMMITTEES - WORK PROGRAMME (Pages 163 - 170)**

(Chairman of the Select Committee) Article 6 (Overview and Scrutiny) of the Constitution requires that the chairmen of the select committees report to the meeting in regard to progress with the achievement of the current work programme for each select committee and on any recommendations for consideration by the Overview and Scrutiny Committee.

The current work programme for each select committee is attached as an appendix to this agenda.

**16. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

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

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

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the

information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers

(Democratic & Electoral Services Team Manager) Article 17 - 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 and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## EPHING FOREST DISTRICT COUNCIL OVERVIEW AND SCRUTINY MINUTES

<b>Committee:</b>	Overview & Scrutiny Committee	<b>Date:</b>	Thursday, 27 January 2022
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 - 9.55 pm
<b>Members Present:</b>	Councillors M Sartin (Chairman) R Jennings (Vice-Chairman) R Baldwin, P Bolton, J Lea, K Rizvi, P Stalker, J H Whitehouse, K Williamson and D Wixley		
<b>Members Present virtually:</b>	Councillor P Bhanot, S Heather, S Murray and S Rackham		
<b>Other Councillors:</b>	Councillors R Balcombe, N Bedford, L Burrows, S Kane, A Patel, D Stocker, C Whitbread and H Whitbread		
<b>Other Councillors virtually:</b>	D Sunger		
<b>Apologies:</b>	Councillors I Hadley, A Lion, T Matthews and D Plummer		
<b>Officers Present:</b>	G Blakemore (Chief Executive), N Dawe (Chief Operating Officer), A Small (Strategic Director Corporate and 151 Officer), D Fenton (Service Director (Housing Revenue Account)), M Hassall (ICT Manager (Corporate Services)), V Messenger (Democratic Services Officer), R Perrin (Democratic and Electoral Services Officer), P Seager (Chairman's Officer), G Wallis (Community, Culture & Wellbeing Service Manager) and G Woodhall (Team Manager - Democratic & Electoral Services)		
<b>By invitation:</b>	Dr R Gerlis, P Wightman and I Tompkins – West Essex Clinical Commissioning Group		
<b>By invitation virtually:</b>	A Marshall-Smith – Abovo-Consult		

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### 71. WEBCASTING INTRODUCTION

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

### 72. SUBSTITUTE MEMBERS

The Committee noted that Councillor K Rizvi had been appointed as a substitute for Councillor I Hadley.

### 73. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 7 December 2021 be taken as read and signed by the Chairman as a correct record.

**74. DECLARATIONS OF INTEREST**

- (a) Pursuant to the Council's Members' Code of Conduct, Councillor D Wixley declared a non-pecuniary interest in the Corporate Plan Key Action Plan Year 4 2021/22 quarter 3 corporate performance reporting in relation to Roding Valley Recreation Ground under the Green Infrastructure Strategy corporate project, as he was chairman of Loughton Town Council's Recreation Committee.
- (b) Pursuant to the Council's Members' Code of Conduct, Councillor S Murray declared a non-pecuniary interest in the Corporate Plan Key Action Plan Year 4 2021/22 quarter 3 corporate performance reporting in relation to Roding Valley Recreation Ground under the Green Infrastructure Strategy corporate project, as he was a member of Loughton Town Council's Recreation Committee.
- (c) Pursuant to the Council's Members' Code of Conduct, Councillor K Rizvi declared a non-pecuniary interest in the item on Forthcoming changes to the delivery and organisation of health services and the associated role of the local authority, as he was a GP based in West Essex.

**75. PUBLIC QUESTIONS & REQUESTS TO ADDRESS THE OVERVIEW AND SCRUTINY COMMITTEE**

The Committee noted that no public questions or requests to address the meeting had been received.

**76. EXECUTIVE DECISIONS - CALL-IN**

The Committee noted that no executive decisions had been called-in for consideration since the previous meeting.

**77. FORTHCOMING CHANGES TO THE DELIVERY AND ORGANISATION OF HEALTH SERVICES AND THE ASSOCIATED ROLE OF THE LOCAL AUTHORITY**

Councillor M Sartin (Chairman) introduced the West Essex Clinical Commissioning Group – Dr Rob Gerlis (Chairman), Peter Wightman (Managing Director) and Ian Tompkins (Corporate Services Director). The Committee was informed that the Health and Care Bill published July 2021, set out proposals to reform the delivery and organisation of health services in England. From 1 April 2022, Epping Forest District would become part of the Herts and West Essex Integrated Care System (ICS) along with other district and county authorities, all NHS Trusts in the area, the voluntary sector and Healthwatch. The ICS comprised two statutory parts – an Integrated Care Board, NHS Hertfordshire and West Essex, responsible for NHS functions and budgets; and the Integrated Care Partnership that brought together a wider set of system partners to develop a plan to address the broader health, public health and social care needs of the local population. The Hertfordshire and West Essex ICS would have three of these 'places' – two in Herts and one for West Essex. The West Essex 'place' was known as the One Health & Care Partnership. A detailed question and answer session followed.

Councillor K Rizvi asked about the ICS recruitment strategy and how it would cope with any workforce crisis, e.g. through Covid or stress? Also, what was in place across the ICS regarding its governance, accountability and transparency? Mr Wightman replied it was a challenge, but the vacancy rate was down to 5%.



so there had been some success on this, and advice was provided for those coming from abroad. There was a special workforce hub and lots of work had been done in the GP community with some work being taken over from GPs, such as back pain. Dr Gerlis added that prior to the Covid pandemic, changes had been made to the way the budget was delivered, for example, to first contact physiotherapists and opticians (for minor eye conditions), thus bypassing GPs. A balance and continuity were needed. People could be dealt with over the phone but for those that couldn't, a balance needed to be found.

There had been a low uptake of Covid vaccinations in Waltham Abbey, but Councillor J Lea remarked that the large, new GP practice near Tesco supermarket had not been providing Covid injections. Also, diabetes tests were held in Loughton but there were no bus service links and many elderly people did not drive, so could more services be provided at this new GP practice? Mr Wightman replied that health equity work was important because feedback was needed to organise provider needs, e.g. for diabetes screening, to see how people were accessing health issues and collectively think how this could be done. Mr Tompkins advised that, to access vaccinations in Waltham Abbey, there was a free taxi service. Therefore, qualitative research was important. Dr Gerlis said that some services did need to be centralised, and so ICS must talk with you to address problems such as transport issues. Councillor M Sartin added that there were some rural areas in the Epping Forest District where public transport was an issue.

Councillor J H Whitehouse talked about the importance of local knowledge and that councillors attended meetings, such as Councillor A Patel (Community and Regulatory Services Portfolio Holder), who was on the Epping Forest Health and Wellbeing Board. Mr Tompkins replied it was important to work together and open channels with communities, parish councils and constituents, so the ICS could feedback information.

Councillor D Wixley asked if there was a strategy for dealing with health behaviours like [nitrous oxide] gas cannisters, which seemed to be (mostly) used by younger people. It was a dangerous and worrying health issue, and empty cannisters caused a litter problem. Dr Gerlis replied there was a greater risk of substance abuse from cigarettes but alcohol in particular. Alcohol abuse caused a big issue in hospitals. Mr Tompkins said substance abuse was not always in deprived communities or someone else's problem and the ICS needed to be more creative and get closer to the root causes of substance abuse. Mr Wightman added that in relation to lifestyle services, partnering with leisure services could help people make a difference to their health, and help prevent type 2 diabetes. Also, how far would the new Herts and West Essex ICS reach be? Mr Tompkins replied that health care boundaries were a bit false, as people tended to go to a hospital that was closest to them. Mr Wightman continued that on the primary healthcare boundaries for Loughton, Buckhurst Hill and Chigwell, GPs had an important and closer relationship with Whipps Cross Hospital and Barts Health Care Trust.

Councillor R Baldwin asked if there would be an increased use of artificial intelligence in diagnostics and remote access. Dr Gerlis replied that balance and continuity were required, not just spot intervention. In terms of people's lifestyles, a lot of GP time was taken up by a minority of patients, for example, with diabetes. Making lifestyle changes was about prevention but should involve everyone, and pacemakers could be monitored remotely. Some AI diagnostic tools were good for repeatable / routine tasks and this was the direction technology was moving. Fewer people would need to go to hospitals if digital access could be used by communities at District hubs.

Councillor S Murray asked why the ICS approach would be more successful in improving socioeconomic inequalities, e.g. on access to adequate housing, as he could not see how there would be real change until it was addressed by national policy. Mr Wightman replied that it was hard to change socioeconomic inequalities, but the ICS needed to start with the health problems and what was being done on these, then investigate what could be done differently. By bringing GPs together and looking outwards at these health issues and what was most achievable, the ICS could make a difference.

Councillor D Sunger referred to Chigwell and that greater use of pharmacies there could help to promote wider access to health services. Dr Gerlis supported locating more health services on high streets, but pharmacies should have a separate consultation room where, for example, flu jabs and vaccinations were carried out. Opticians could also provide services direct to the public and likewise access to hearing aids, rather than through general practice. Also, in answer to what could councillors do to help, Mr Tomkins replied that information needed to be simplified and that information could then be shared through community networks.

Councillor S Rackham asked how Section 106 monies were being utilised? Mr Wightman advised that two staff were working on S106 monies, which contributed to primary care expansions and was a good process. Dr Gerlis added that more affordable housing was needed for the health and social care sector particularly in West Essex. There was also a very strong Anchor network across Essex.

Councillor A Patel asked what the funding opportunities would be for district councils going forwards? What would be the role of the Epping Forest Health and Wellbeing Board in the One Care Partnership? What assurances would there be that GPs would come on board and work with us as the primary care networks had struggled to engage? And how would Epping Forest residents' health concerns be addressed? Mr Tompkins replied the ICS was hopeful of funding from NHS England for a scheme called 'community connectors' for district councils at grassroots level connecting community networks. The Epping Forest Health and Wellbeing Board was essential going forwards and, where there was a will and determination, could start to make changes as the opportunities would be there. The ICS was committed to protecting the interests of West Essex and also did a lot of work with greater Essex as well as Hertfordshire. Mr Wightman added that the Integrated Care Partnership and councils would be represented at that Board level and the One Care Partnership would become the public face of accountability. GP surgery budgets would be larger to help provide wider services through healthcare partnerships, but it was also about setting realistic objectives.

Councillor M Sartin thanked Dr Gerlis, Mr Wightman and Mr Tompkins for giving up their time to attend the Overview and Scrutiny Committee meeting and answering the many questions raised. Members had been able to gain a valuable insight into what the changes would mean for the delivery and organisation of the health services in the District within the new Herts and West Essex ICS.

**RESOLVED:**

That the Committee was informed about the changes to the delivery of health services in Epping Forest from 1 April 2022 and the associated role of the District Council.

*(Post meeting update: Transport offer for Essex residents unable to get to Covid-19 booster appointments (re. Council Bulletin, 4 February 2022)*

*People living in Essex, who have no means of transport, can now get help to attend pre-booked appointments. People who are struggling to attend their booster jab appointment because of transport issues can now get help from Essex County Council.*

*[Essex Wellbeing Service](#) is now able to organise transport for Essex residents who are finding it difficult to organise a way to attend their vaccine appointment. Transport will be provided by taxi service. This service is free of charge and can also be used if you need transport to get to your first or second dose appointments.*

*Essex residents who would like help getting to their appointments can email [provide.essexwellbeing@nhs.net](mailto:provide.essexwellbeing@nhs.net) or call 0300 303 9988. The phone line is open Monday to Friday from 8am to 7pm and from 10am to 2pm on Saturdays. Callers' need will be verified, and they will be asked to provide their booking reference or a screenshot of their appointment confirmation).*

## **78. HRA BUSINESS PLAN**

The Committee agreed to bring forward the HRA Business Plan, ahead of Corporate Plan Key Action Plan Year 4 2021/2 – Quarter 3 Corporate Performance reporting.

D Fenton (HRA Project Director) introduced the HRA business plan that had been developed in partnership with the Council's retained consultant, A Marshall-Smith of Abovo-Consult. A bespoke HRA model was being used that enabled the Council to provide a reasonable cashflow projection over the next 30 years. It was based on evidential data from the Council's current systems and projections for economic assumptions in the social housing sector. Furthermore, the plan gave the Council the ability to stress test. This was vital given the key dynamic risks such as, the borrowing rate and changes in Government legislation regarding social housing. In early 2020, the Council's vision to 'create great places where people wanted to live' and the 'more than bricks and mortar' housing schemes were reflected in the HRA Business Plan. There was a clear link between poor housing and health. A new rent regime meant that the government had agreed the amount of rent that could be charged. The Council had a duty of care that its housing stock / properties were safe, dry and warm. Through good asset management and by undertaking regular maintenance and upgrades when these were needed, this helped to empower residents to feel proud of where they lived. Monies came from rents, high value property sales, sales of small parcels of land, obtaining planning permissions to develop smaller plots of land and licensing income. In addition, Housing officers were reviewing the Local Plan and working with Qualis.

A Marshall-Smith highlighted some key criteria of the HRA Business Plan:

- comparison of cash in, against cash spent
- ensure HRA reserve balance did not go negative
- loans were repaid when they were due
- interest on loans was affordable
- invest in stock
- careful monitoring of right to buy receipts
- there were adequate resources of a decent home standard
- staffing costs were in line with the establishment

Basic assumptions had been built into the HRA business plan for accuracy. On capital spend, the Council's current forecast was being used. The financial plan modelling aimed to balance all these criteria. The financial summary (page 61 of the

agenda report) summarised the position on the loans and the HRA surplus carried forwards over 30 years – but was sustainable.

Councillor R Balcombe addressed the Committee giving an overview of questions raised by members at Stronger Communities Select Committee on 11 January 2022. A list of FAQs on the HRA Business Plan had also been issued as a supplementary agenda to provide members with as much information as possible.

Councillor S Murray supported the HRA Business Plan and that it was very important that recommendation (2) of the report – to receive a yearly update that would include stringent stress testing – was reviewed by members, but queried if this would be undertaken by the select committee or Overview and Scrutiny Committee. Councillor H Whitbread (Housing Services Portfolio Holder) replied that she had been asked to ensure that all points went to different levels of scrutiny and also, to Cabinet afterwards. She was proud of the Council's capital housebuilding programme works, which were leading the way in Essex and at national level. Councillor M Sartin advised the Committee that recommendation (2) should be referred to the Overview and Scrutiny Agenda Planning Group (APG) to decide which scrutiny committee should review these yearly updates, which was agreed.

Councillor R Baldwin had noticed a lower cap on HRA borrowing in the 2018 budget and queried the cap in this business plan that showed a limit on borrowing of 70% of the value of the HRA. A Marshall-Smith replied councils had always had a much lower cap until 2018. This was an internal policy that was comparable with the cap banks would limit their borrowing to, for housing associations. Councillor Baldwin remarked that it was expensive to phase out gas boilers and upgrade heating systems, so had the Council made a decision on this yet? D Fenton replied that the Council did not have a solution yet for older properties but did for new properties. The Council had put in a bid to E.ON Energy to retrofit fifty houses and to look at a number of solutions to see what the best option was for the Council and another pilot scheme was for solar power. This was a big problem, but research aligned with taking families out of fuel poverty.

**RESOLVED:**

- (1) That the Committee considered the safe and prudent HRA business plan, and recommended it to Cabinet, for approval;
- (2) That a yearly performance update, to include stringent stress testing, be received, and it was agreed that the Overview and Scrutiny APG decide which scrutiny committee this should go to;
- (3) That the Committee considered that the business plan included all assumed costs but not all income streams, and noted appendix B, which was an alternative plan including some potential income; and
- (4) That the Committee considered the opportunity to improve our estates, which would improve the life span of the Council's assets, and feed into its ongoing work to 'create great places where people want to live'.

**79. CORPORATE PLAN KEY ACTION PLAN YEAR 4 2021/22 - QUARTER 3 CORPORATE PERFORMANCE REPORTING**

M Hassall (ICT Manager) introduced quarter 3 and reported on projects at red or amber status (exceptions). The full report had been reviewed by Stronger Council Select Committee on 18 January 2022. There were eight projects at amber status but

none at red status. Seventeen projects had been closed and there were sixteen projects on green status. The KPI data showed comparisons to the previous quarter and this showed that there were eight at green status, two at amber and four at red. Strategy, Delivery and Performance was looking at refreshing the KPIs probably in the same cycle when officers would be looking at the Corporate Plan going forward.

**(a) Project CPP093 Green Infrastructure Strategy**

Councillor S Murray stated that he was the Roding ward member and a Loughton Town councillor, and reminded members of his earlier declaration of interest. EFDC had written to the inspector on 21 December 2021 looking for the Roding Valley Recreation Ground (RVRG) to be included in the Local Plan as a SANG (Suitable Alternative Natural Greenspace) but he had not been aware of this previously. Loughton Town Council had a 125-year lease on the recreation ground and managed it but, in his opinion, had been marginalised by the whole process. Councillor N Bedford stated he had written to Councillor Murray and reiterated details of this at the meeting. Officers of Natural England had visited the site and it was particularly important the RVRG acted as a further SANG as identified in the Green Infrastructure Strategy. It would also provide sufficient green space for some 520 houses within the Local Plan, which residents would be able to walk to. Councillor D Wixley added that he was the chairman of the Town Council's Recreation Committee but it was unfortunate there had not been a consultation as this could have provided more information because the route of a footpath encroached on areas of the Nature Reserve, a Site of Special Scientific Interest.

**(b) Project CPP096 Local Plan**

Councillor N Bedford reported that this seemed to be progressing well and the Inspector's Final Report was expected to be available during 1st quarter of 2022.

**(c) Stronger Communities KPIs – Contracts: % change of leisure centre attendees from previous years quarter, gym visits**

Councillor J H Whitehouse commented that Epping Sports Centre was showing a significant decrease in memberships. Although her own membership had finished, she had been surprised that she had not been contacted to renew it. The Leader, Councillor C Whitbread, replied that he would take this up with the Environmental and Technical Services Portfolio Holder, Councillor N Avey, but the District's leisure centres were being used a lot more now. Councillor S Murray added that school staff had been offered a very good deal on leisure centre memberships.

**(d) Stronger Places KPIs – Contracts Waste: reduction in household waste**

Members expressed thanks to the Council's Waste Management Team over the recent collection of household waste, as well as Biffa whose workforce had experienced staff shortages. It was a hard, physical job and the weather had not been that good, but collections had continued.

**RESOLVED:**

That the committee reviewed the FY21-22 quarter 3 Performance report.

**80. CABINET BUSINESS**

Cabinet's Key Decision List (KDL) updated to 4 January 2022 was scrutinised by the Committee and the following points were raised.

**(a) Environmental and Technical Services**

Transfer of Services to Qualis – Councillor S Murray queried these items but Councillor C Whitbread and A Small (Strategic Director and 151 Officer) confirmed they would be going to a scrutiny committee before going to Cabinet for a decision.

**(b) Housing Services**

Improving Payment Options for Leaseholders – Councillor D Wixley queried which scrutiny committee this item would go to. Councillor H Whitbread and D Fenton confirmed that this item would be scrutinised by Stronger Place Select Committee, as it was do with the physical side of housing.

Councillor S Murray commended J Gould (Community and Wellbeing Project Director) for the handling of the consultations on the four Housing policies / strategies in a model way, which had provided members with a real opportunity to influence their outcomes.

**(c) Community and Regulatory Services**

It was noted that the review of the Market Policy would be coming to this Committee for scrutiny on 31 March 2022.

**RESOLVED:**

That the Committee reviewed the Executive's current programme of Key Decision of 4 January 2022.

**81. OVERVIEW AND SCRUTINY COMMITTEE - WORK PROGRAMME****(a) Current work programme**

G Woodhall stated that the draft Market Policy would go to 31 March meeting along with the Epping Forest Strategic Access Management and Monitoring Strategy (SAMM), as decisions by Cabinet were due on 11 April. Epping Forest Youth Council's annual report and the People Team induction process were also scheduled for the next meeting. The Committee noted that the Elections Planning Progress Report had been reviewed by Stronger Council Select Committee and the Enforcement Policy scrutinised by Stronger Place Select Committee, instead of this Committee. Scrutiny of the transfer of services to Qualis and environmental information requests (EIRs) had yet to be confirmed. The external scrutiny item on the City of London Corporation's Epping Forest Management Strategy and Business Plan 2020-2030 had been deferred to the work programme for the next municipal year.

The Committee noted Councillor J H Whitehouse's concern that members would not be able to influence the SAMM Strategy, as the gap between scrutiny on 31 March and the decision by Cabinet on 11 April was too close together. Also, work programme item (2), Group Company Structure, was an 'ongoing' item for the Committee to review at each meeting, but this did not happen.

**(b) Reserve work programme**

Thames Water – there was support for external scrutiny of the water company. Councillor S Murray explained Thames Water's repair works in Loughton last summer had caused chaos for Loughton residents. Councillor M Sartin replied that

Thames Water had also been raised by the Joint Meeting of Overview and Scrutiny Chairmen and Vice-Chairmen on 20 January 2022 and would be followed up by G Woodhall.

Housing associations – Councillor J Lea was interested in more in-depth scrutiny. It was noted that Councillor B Jennings had also raised this at the same joint meeting, and G Woodhall would be liaising with D Fenton on this.

Members were asked to apprise G Woodhall of any other organisations they wished to nominate for external scrutiny, as soon as possible, for the Committee to consider at its first meeting in the new municipal year on 16 June 2022.

**RESOLVED:**

- (1) That the Committee reviewed its current work programme and reserve programme; and
- (2) That members apprise G Woodhall of any organisations they wished to nominate for external scrutiny, as soon as possible, for the Committee to consider at its first meeting in the new municipal year on 16 June 2022.

*(Post meeting update: For information, the minutes of the Joint Meeting of Overview and Scrutiny Chairmen and Vice-Chairmen on 20 January 2020 could be viewed on the Council's Intranet/Extranet at this weblink:*

*<https://eppingforestintranet.moderngov.co.uk/ieListDocuments.aspx?CId=770&MId=10892&Ver=4> )*

## **82. SELECT COMMITTEES - WORK PROGRAMME**

### **(a) Stronger Communities Select Committee**

As Councillor R Balcombe had reported the select committee's scrutiny of the HRA Business Plan earlier in the meeting, Councillor J Lea (Chairman) added that she would be liaising with D Fenton over housing scrutiny as residents seemed to have many complaints.

### **(b) Stronger Council Select Committee**

Councillor P Bolton, Chairman, commented that at the last meeting on 18 January, seven of the Cabinet had attended which was useful as they were able to answer members' questions directly. As some of the business was repetitive and cyclical, as with Corporate Performance reporting of the KPIs, he would not report on these. With the Council's move towards members using digital communication, there was a discussion on digital versus telephone. However, some members were having difficulties with this and found it easier to telephone. Members also discussed why there were hardly any planning applications coming before Area Plans West Committee. The select committee had reviewed the quarter 3 Budget Monitoring Report and the draft budget for 2022/23 but there were no major problems highlighted, although it was noted that inflation was one of the greatest threats.

Councillor S Murray commented that in regard to work programme item (11), he understood Voter ID legislation was still going through Parliament, but remarked that it would have major implications for the Council and would be quite costly to introduce.

Councillor J Lea asked if planning delegations had changed for applications coming before planning committees, as many Area Plans West meetings had been cancelled. G Woodhall replied that he thought they had been updated two years ago, but he would look this up in the Constitution and let Councillor Lea know.

**(c) Stronger Place Select Committee**

Councillor M Sartin advised that the Chairman and Vice-Chairman had both given their apologies for this meeting. Councillor S Murray remarked that he had not been able to attend the last meeting on 13 January but had been concerned by the agenda report on the "Introduction of charging for additional/replacement waste containers". Councillor M Sartin replied she had asked this question at the meeting and her comments had been noted, so these would be published in the minutes in due course.

**RESOLVED:**

- (1) That the Overview and Scrutiny Committee noted the progress of the three select committees against their work programmes.

**83. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**





## **Report to Overview and Scrutiny Committee**

**Date of meeting: 31 March 2022**

# SCRUTINY



**Portfolio: Community and Regulatory Services (Councillor Aniket Patel)**

**Subject: Annual review of the work undertaken by Epping Forest Youth Council**

**Officer contact for further information: Vanessa Gayton – Team Manager Culture & Community (01992 564559)**

**Democratic Services Officer: V Messenger (01992 564243)**

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

**That the Overview and Scrutiny Committee receives an annual progress report on the work undertaken by the Community, Culture and Wellbeing Team with the Epping Forest Youth Council.**

### **Report:**

Epping Forest Youth Council is a high-profile national award-winning Youth Council, comprising 25 young people, representing the 9 Epping Forest secondary schools. These young people represent the views of their peers and wider school communities. The current cohort will stand down on 12 April 2022. Member support has enabled the Youth Council to continue creating youth friendly projects to engage and benefit our communities.

On Thursday 31 March the Youth Council will make a presentation to the Overview and Scrutiny Committee highlighting their excellent work over the past year. They have been meeting weekly on Zoom or more recently in person with the Young Persons Officer, building on their training programme, taking part in consultations, learning from guest speakers and creating new projects.

The Youth Council will refer to the key areas of work undertaken in their final year.

1. MiLife C19 – The 10-week schools virtual programme has given young people what they need to build their emotional resilience through a range of teacher led workshops. The website <https://www.rbf.org.uk/milife> incorporates bespoke resources directly relating to Covid 19 and its impact on young people, addressing good mental health and wellbeing. This also includes a variety of physical and cultural activities.
2. Youth Conference – On 19 November 2021 the Epping Forest Youth Council hosted its bi-annual Youth Conference. The full day event saw 67 young people from five of the district's secondary schools attend the Civic Offices for a day focussed on climate change issues and youth democracy.
3. Youth Elections – The Youth Councillors have been instrumental in recruiting potential candidates in their schools for the Youth Elections in February / March 2022.
4. The Youth Activities Map 2022 – extensive research has been carried out to update the map to include new groups and recreational green spaces and nature reserves.

**Reason for decision:**

It was agreed that the Overview & Scrutiny Committee would receive an annual update on the work undertaken by the Community, Culture and Wellbeing Team with Epping Forest Youth Council.

**Options considered and rejected:** N/A

**Consultation undertaken:**

A range of consultations are taken with the Youth Councillors about current issues which inform future projects that will benefit young people in our communities, engaging, educating and signposting them to ensure the environment they live in is a healthier, happier place. These will be included in the presentation.

**Resource implications:** There have been no increases in budget required from the council to date. The Youth Council receives core funding for day to day support and running costs.

**Legal and Governance Implications:** N/A

**Safer, Cleaner, Greener Implications:** N/A

**Background Papers:** N/A

**Impact Assessments:** Equality Impact Assessment completed

**Risk Management:** N/A

**Equality:** Equality Impact Assessment completed

# Equality Impact Assessment

## Section 1: Identifying details

Your function, service area and team: Community & Wellbeing Directorate – Community, Culture & Wellbeing service, Epping Forest Youth Council

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

Title of policy or decision: Epping Forest Youth Council annual report and expenditure of core funds.

Officer completing the EqlA: Vanessa Gayton: Ext:4559  
Email: [vgayton@eppingforestdc.gov.uk](mailto:vgayton@eppingforestdc.gov.uk)

Date of completing the assessment: 14<sup>th</sup> February 2022

## Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? No, it is part of an ongoing decision-making process.
2.2	Describe the main aims, objectives and purpose of the policy (or decision): EFDC core funds enables the Epping Forest Youth Council to deliver targeted projects which benefit young people and the residents of Epping Forest. What outcome(s) are you hoping to achieve (i.e. decommissioning or commissioning a service)? The projects delivered are designed taking in to account the concerns currently facing young people and the support they require which will impact positively on local people's lives and build stronger communities.
2.3	Does or will the policy or decision affect: <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> The decision will affect the wider community, including groups of people where there may be inequalities.  Will the policy or decision influence how organisations operate? The Youth Council will continue to work with partners to develop practical solutions to very real problems and concerns and fears facing young people in our communities.
2.4	Will the policy or decision involve substantial changes in resources? No
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? No

### **Section 3: Evidence/data about the user population and consultation<sup>1</sup>**

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g. service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified? Evidence is gathered from application forms and supporting information. Consultation takes place with partnering organisations. The information identifies that young people wish to have a voice.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision? Young people are consulted with at the biannual Epping Forest Youth Conference and the concerns highlighted are what becomes the focus for Youth Council projects. Youth Councillors consult with their peers within their schools. Consultation is undertaken with other Youth providers to ensure synergy and shared information.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary: N/A</p>

## Section 4: Impact of policy or decision

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

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes. (The age range applied is 12 – 17 years)	L
Disability	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes no matter what their ability or disability may be.	L
Gender	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people of any gender; all groups can benefit from the outcomes.	L
Gender reassignment	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people of any gender; all groups can benefit from the outcomes.	L
Marriage/civil partnership	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes including those who are married or within civic partnerships.	L

Pregnancy/maternity	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes.	L
Race	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes irrespective of race.	L
Religion/belief	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes irrespective of religion/belief.	L
Sexual orientation	Positive Epping Forest Youth Council criteria ensures that no unfair restrictions on membership/ participation is acceptable in terms of accessing support. Although projects are designed for young people all groups can benefit from the outcomes, irrespective of sexual orientation.	L

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If <b>'YES'</b> , use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.

## Section 6: Action plan to address and monitor adverse impacts

Is this required?

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.



## Section 7: Sign off

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

Signature of Head of Service: 	Date: 16/4/22
-----------------------------------------------------------------------------------------------------------------	---------------

Signature of person completing the EqIA: <i>V Gayton</i>	Date: 14.02.22
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### Advice

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

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# Youth Projects in the Epping Forest District 2022



Page 2

**KEY**

- Scouts & Guides
- Theatre & Dance
- Sports & Leisure
- Youth Group
- Counselling & Mentoring
- Young people with a disability
- Skills & Personal Development
- Woodlands and Nature Reserves

## 1st Nazeing Scouts and Guides

The Scout Hut, Perry Hill, Nazeing EN9 2LL  
☎ 01992 469 300 ✉ nazeing.gsl@gmail.com 🌐 scouts.org.uk  
f scoutassociation 🐦 @UKScouting 📷 scouts

## 1st Chigwell and Chigwell Row Scout Group

The Scout Hut, Housley Hall, 127 High Road, Chigwell IG7 6QQ  
☎ 07968 588090 ✉ 1stcorgsl@gmail.com

## 3rd Loughton Brownies

☎ 07989 283 005 ✉ brownies.3rdloughton@ntlworld.com  
📷 brownies.3rdloughton@ntlworld.com

## 3rd North Weald Scout Group

✉ 3rdnothwealdscouts@gmail.com 🐦 @3rdNW 📷 3rdNW

## 41st Globetrotter Explorer Scout Unit

Loughton Methodist Church, 260 High Road, Loughton, IG10 1RB  
☎ 07780 603443 ✉ info@41stglobetrotters.org.uk  
🌐 41stglobetrotters.org.uk

## Abbey Performing Arts

Town Mead Sports & Social Club, Brooker Road, Waltham Abbey, EN9 1JH  
☎ 07921 859981 ✉ abbeyperformingarts@yahoo.com  
f AbbeyPerformingArts

## Abbotts Wood Nature Reserve

Waltham Abbey

## Academy Arts Theatre Dance School

**EPPING** – 119 High Street, Epping CM16 4BD  
**ONGAR** – Great Stony, High Street, Ongar CM5 0AD  
☎ 01244 7575383 ✉ info@academyarts.co.uk  
f Academyartstheatreschoolagency 🐦 academyartstld  
📷 Academyartstheatre 🌐 academyarts.co.uk

## Accuro

Loughton Town Council, Community Centre, 106 Borders Lane,  
Loughton IG10 3SB ☎ 01279 870297  
f Accuro (Care Services) 🐦 @accuroessex  
🌐 accuro.org.uk ✉ enquiries@accuro.org.uk

## Action for Family Carers Young Carers Club

The Murray Hall 106 Borders Lane, Loughton, IG10 3SA  
☎ 07702 858650 ✉ tracey.hartley@affc.org.uk  
f actionforfamilycarers 🐦 @Action4carers 🌐 affc.org.uk

## Air Cadets 414 (Epping and North Weald Squadron)

Air Training Corps, 78 High Street, Epping, CM16 4AE  
☎ 01992 573 051 ✉ adj.414@aircadets.org

## Bobbingworth Local Wildlife Site

Ongar

## Chigwell Row Wood Nature Reserve

Chigwell Row

## Church Lane Nature Reserve

North Weald

## Dennis & Dyer Boxing Academy

The Broadway, Loughton IG10 3SW  
☎ 07487 745209 ✉ s.winch@hotmail.co.uk  
f Dennis & Dyer Boxing Academy 🐦 @dennisanddyerba  
📷 dennisanddyerba

## East 15 Acting School

Hatfield Campus, Rectory Lane, Loughton, IG10 3RY  
☎ 020 8508 5983  
f east15actingschool 🐦 @E15actingschool 🌐 east15.ac.uk

## Epping Eagles Explorer Scout Unit

1st Theydon Garnon Scout Hut, Fluxs Lane, Epping, CM16 7PE  
✉ 1stTGS@gmail.com 🐦 EppingEaglesESU

## Epping Forest Sportability Club

Oak View School, Whitehills Road, Loughton, Essex, IG10 1TS  
☎ 0780 230 4299  
f efsportability 🐦 @efsportability ✉ EFSC@hotmail.co.uk

## Epping Sports Centre

25 Hemnall Street, Epping, CM16 4LU  
☎ 01992 565 670  
f epping sports centre 📷 eppingsportscentre  
🌐 placeforpeopleleisure.org ✉ Enquiries@epping@pfpleisure.org

## Epping Green Youth

Epping Green Chapel, Epping Green, Epping, CM16 6PU  
☎ 01992 572 093 ✉ eppinggreenchapel@gmail.com  
f EppingGreenChapel 🌐 eppinggreenchapel.co.uk

## Epping Upland Millenium Garden

Epping Upland

## Epping Young Christians

The Box, St. Johns Road, Epping, CM16 5DN  
☎ 01992 577 300  
f theboxepping 🐦 theboxepping 📷 theboxepping  
🌐 theboxepping.org.uk ✉ info@theboxepping.org.uk

## Epping Youth Football Club

Bury Lane, Epping CM16 5JB  
☎ 07887 758062  
f Eppingyouthfc 🐦 Eppingyouthfc 📷 Eppingyouthfc  
🌐 eppingyouthfc.co.uk ✉ eyfc@kcagroup.co.uk

## High Beach Youth Cycling Club

Debden House, Loughton, IG10 2NZ  
☎ 07914 848177  
f highbeachyouthcyclingclub 🐦 @HighBeachYCC  
✉ clubadmin@highbeachycc.co.uk

## Home Mead Local Nature Reserve

Loughton

## iTheatre Arts

Epping County Primary School, Coronation Hill, Epping, CM16 5DU  
☎ 07725982862 ✉ ithreatarts@gmail.com  
f ithreatarts 🐦 @ItheatreA 📷 ithreatarts

## Lambourne End Centre for Outdoor Learning

Lambourne End, Manor Road, Lambourne End, RM4 1NB  
☎ 020 8500 3047 ✉ sarah.ferguson@lambourne-end.org.uk  
f Lambourne End Centre 🐦 LambourneEnd  
🌐 lambourne-end.org.uk

## Limes Youth

Limes Centre, Limes Avenue, Chigwell Row, IG7 5LP  
☎ 020 3086 8186 🌐 rbf.org.uk ✉ office@rbf.org.uk  
f Redballoonfamily 🐦 redballoonfam 📷 redballoonfamily

## Linder's Field Local Nature Reserve

Buckhurst Hill

## Livewires Epping

Theydon Bois Baptist Church, The Green, Theydon Bois CM16 7JH  
☎ 01992 217676 ✉ peter@tbcc.org.uk

## Livewires Theydon Bois

Theydon Bois Baptist Church, 2 Avenue Road, CM16 7JJ  
☎ 020 3086 8186 ✉ office@rbf.org.uk 🌐 tbcc.org.uk  
f Redballoonfamily 🐦 redballoonfam 📷 redballoonfamily

## Loughton Cricket Club

High Road, The Uplands, Loughton, IG10 1NQ  
☎ 020 8502 2064  
f loughtoncricketclub 🐦 @loughtoncc 📷 loughtoncricketclub  
🌐 loughton.play-cricket.com ✉ cliff.greenhill@btinternet.com

## Loughton Leisure Centre

30 Traps Hill, Loughton IG10 1SZ ☎ 020 3225 5460  
f placesleisure 🐦 @PlacesLeisure 🌐 placeforpeopleleisure.org

## Loughton Youth Project

The Space, Loughton Library, Traps Hill, Loughton IG10 1HD  
☎ 07967 726851  
✉ nick.lyp@gmail.com f loughtonyouthproject

## National Scout Information Centre

Gilwell Park, Chingford, E4 7QW ☎ 020 8433 7100  
f scoutassociation 🐦 @UKScouting 📷 scouts  
🌐 scouts.org.uk ✉ info.centre@scouts.org.uk

## Nazeing Triangle Local Nature Reserve

Nazeing

## New Images

154 Brooker Road, Waltham Abbey, EN9 1JH  
f WalthamAbbeyYouth2000 🐦 way\_2000  
✉ elaine.fletcherway2000@gmail.com

## NinefieldsYouth

Waltham Abbey Leisure Centre, Hazlewood Centre, Ninefields, EN9 3EL  
☎ 020 3086 8186 🌐 rbf.org.uk ✉ office@rbf.org.uk  
f redballoonfamily 🐦 redballoonfam 📷 redballoonfamily

## Norton Heath Local Wildlife Site

Ongar

## Ongar Leisure Centre

The Gables, Fyfield Rd, Ongar CM5 0GA  
☎ 01277 363 969 🌐 placeforpeopleleisure.org  
f placesleisure 🐦 @PlacesLeisure

## Ongar Youth

Ongar Youth Centre, The Gables, Ongar CM5 0GA  
☎ 020 3086 8186 ✉ office@rbf.org.uk  
f Redballoonfamily 🐦 redballoonfam 📷 redballoonfamily

## Roughtally's Wood Local Nature Reserve

Coopersale, Epping

## Sheering Copse

Sheering

## Shire Meadows

Old Shire Lane, Waltham Abbey

## Spark

The Murray Hall, 106 Borders Lane, Loughton, IG10 3SA  
☎ 020 8508 6743 ✉ spark@worthunlimited.co.uk  
f WorthUnlimited 🐦 @WorthUnlimited 🌐 worthunlimited.co.uk

## Stage One Theatre School

Zinc Arts Centre, High Road, Chipping Ongar, CM5 0AD  
☎ 01992 615 122. ✉ info@stageonetheatreschool.co.uk  
f ZincArts 🐦 ZincArts 🌐 stageonetheatreschool.co.uk

## The Box

St John's Road, Epping, CM16 5DN ☎ 01992 577 300  
f Theboxepping 🐦 @theboxepping 📷 Theboxepping  
🌐 theboxepping.org.uk ✉ info@theboxepping.org.uk

## The Place to Be Me – Kate Bristow

Great Stony, High Street, Ongar, Essex, CM5 0AD  
☎ 01277 365626 ✉ kate@theplacetobemecic.org.uk  
f The Place to be Me CIC 📷 The Place to be Me

## Thornwood Common Local Nature Reserve

Epping

## Theatretrain Loughton

Roding Valley High School, Alderton Hill, Loughton IG10 3JA  
☎ 07880 317127  
🌐 theatretrain.co.uk ✉ loughton@theatretrain.co.uk  
f tloughton 📷 Theatretrain Loughton

## Theydon Bois Lawn Tennis Club

Sidney Road, Theydon Bois CM16 7DT  
☎ 07846 601113 ✉ theydonboiscoaching@gmail.com  
f theydon bois tennis club 📷 theydonbois1c

## Theydon Youth

Youth Centre, Loughton Lane, Theydon Bois, CM16 7JY  
☎ 01992 815 982  
🐦 @theydonyouth ✉ theydon@hotmail.com

## UpStage Juniors

Lopping Hall, 189 High Street, Loughton, IG10 4LF  
☎ 020 3086 8186 ✉ office@rbf.org.uk  
f UpStageTC 🐦 redballoonfam 📷 redballoonfamily

## Wacy (Waltham Abbey Church Youth)

Abbey Church Centre, Abbey Farmhouse, Abbey Gardens,  
Waltham Abbey, EN9 1XQ ☎ 020 3086 8186  
f Redballoonfamily 🐦 redballoonfam 📷 redballoonfamily  
🌐 rbf.org.uk ✉ office@rbf.org.uk

## Waltham Abbey Karate Club

Waltham Abbey Leisure Centre, 19 Hillhouse,  
Waltham Abbey EN9 3EL  
☎ 01992 768 664 ✉ ske@btconnect.com  
🐦 @KarateUK 📷 Waltham abbey karate

## Waltham Abbey Leisure Centre

19 Hillhouse, Waltham Abbey, Essex, EN9 3EL  
f placesleisure 🐦 @PlacesLeisure 🌐 placeforpeopleleisure.org  
☎ 01992 716 733 🌐 placeforpeopleleisure.org

## Waltham Abbey Scout Group

Waltham Abbey Scout Group, Cornmill, Waltham Abbey, EN9 1RB  
🌐 scouts.org.uk ✉ nick@walthamabbeyscouts.org.uk

## Waltham Abbey Woodcraft Folk

Waltham Abbey Community Centre, 46 Crooked Mile EN9 1QD  
☎ 07903 720991 & 020 8529 6025  
f woodcraftfolk 🐦 woodcraftfolk 📷 woodcraftfolk  
🌐 woodcraft.org.uk ✉ jan.harker@btinternet.com

## Woodredon Equestrian Centre

Woodredon Farm Lane, Waltham Abbey EN9 3SX  
☎ 01992 714 312 🌐 woodredon.co.uk

## YCT

Loughton Youth Centre, 106 Borders Lane, Loughton, IG10 3SB  
☎ 01279 414 090 ✉ admin@yctsupport.com  
🌐 yctsupport.com f YCTSupport 🐦 YCT1

## Youth Plus

Ongar Youth Centre, The Gables, Fyfield Road, Ongar, CM5 0GA  
☎ 07846 633172 🌐 youthplus.net ✉ contact@youthplus.net

## Zinc Arts Centre

Great Stony, High Street, Chipping Ongar, CM5 0AD  
☎ 01277 356 5626 ✉ info@zincarts.org.uk  
f ZincArts 🐦 @ZincArts 🌐 zincarts.org.uk 📷 zincarts

## All Local Nature Reserves

☎ 01992 564224 ✉  
contactcountrycare@eppingforestdc.gov.uk  
f Epping Forest Countrycare 🐦 @efcountrycare



### **Report to Overview and Scrutiny Committee**

**Date of meeting: 31 March 2022**

**Portfolio: Community and Regulatory Services (Councillor A. Patel)**

**Subject: Proposed Epping Forest District Market Policy**

**Officer contact for further information: Sally Devine (01992 564149)**

**Democratic Services Officer: V Messenger (01992 564243)**

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

**Overview and Scrutiny Committee are asked to comment and make recommendations on the adoption of an Epping Forest District Market Policy and associated Fees Policy, for consideration by Cabinet at its meeting on 11 April 2022.**

#### **Report:**

1. The Council recognises the important contribution that markets can make to the local economy and the character of an area. Markets can deliver economic growth and regeneration; they offer an opportunity for small businesses to get started for a relatively modest financial outlay, help increase town centre vitality and contribute in a number of ways to the local communities they serve.
2. The promotion of markets is an important inclusion in the town centre regeneration projects for Epping, Loughton, Ongar, Waltham Abbey and Buckhurst Hill, and for the district as a whole. It is also particularly relevant, following the coronavirus pandemic which has redirected community focus towards the outside shopping and hospitality experience.
3. The Council currently controls street trading in the district through Street Trading Consents, by powers vested in it, under Schedule 4 of Part 3 of The Local Government (Miscellaneous Provisions) Act 1982. However, these Consents are most appropriately applied to a single trader operating from one stall or vehicle and not to market events which consist of multiple stalls each selling different products by different individual traders. In order to support the vision of the Council to encourage markets as part of the district's economic diversification, it is necessary to look to alternative legislation.
4. The Council has powers under Part 3 of the Food Act 1984, to hold markets within its area and has the right to licence and control the frequency of such markets. It is good practice for Councils to publish a Market Policy and have a licensing regime that allows it to influence the nature and type of market for the benefit of the community; to distinguish between commercial and community-based markets or those with a strong charitable element; to ensure conditions are in place to meet legislative controls including to protect public safety; and that these can be consistently and fairly applied to all traders wishing to operate in the district.
5. The Market Policy will include commercial and community-based markets or those with a strong charitable status. However, Council run markets fall outside the scope of the Market Policy. This includes North Weald Market operating under a lease agreement with the Council, and any other Council operated occasional market events, such as plant and craft fairs, Christmas and summer markets, festivals and other themed markets. Markets that operate by virtue of an historic Royal Charter are also out of scope, these being the weekly markets run by the Town Councils at Epping, Ongar and Waltham Abbey. Such markets are also entitled to the right of protection within a common law distance of six and two third miles - measured 'as the crow flies'. This common law entitlement is part of a local authority's market rights and has been upheld by a Court of Appeal.

6. The draft Market Policy, has been subject to a full public consultation including relevant partners, authorities, trading bodies, local businesses, Town and Parish Councils. The consultation was published on the website for the full consultation period. A number of comments have been received and several amendments have been made to the original draft. The new amended draft Policy is at Appendix 1 of this report. A summary of the consultation comments is documented at Appendix 2, together with any proposed amendments or officer comments and these are explained in more detail in the section '**Consultation undertaken**' below.

7. Legal advice received after the consultation confirms that Part III of the Food Act 1984 allows either Parish or District Councils to be a Market Authority (both being included in the definition of 'local authority'), thereby allowing Town and Parish Councils to take on the rights and responsibilities for the establishment, control, and enforcement of all commercial and community-based markets within their own parish boundary. In theory both district and parish councils could be a market authority for the same area, but this would be duplicative and unnecessarily bureaucratic. In any case the district council will always want to work with the parishes to support opportunities to manage and influence their own community offer.

8. Ward members and parish clerks have been informed of the opportunity for Town and Parish Councils to take on the market authority role if they wish. Epping and Ongar Town Councils have elected to be the market authority for their parishes and this is reflected in amendments to the Policy at paragraphs 4.2, 4.4 and 5.1. Loughton Town Council is expected to be considering a proposal to do so at its next full council; Waltham Abbey, Ongar and Fyfield have also vested an interest. The Market Policy will be updated further should any Parish or Town Councils establish market authority status.

9. The Policy includes a licensing process that requires certain insurances and documentation to be presented at application stage, with an appropriate fee and, on approval, the market licence will be subject to licence conditions to protect public safety, nuisance, highways issues and other regulatory concerns. It is proposed that all commercial markets will be subjected to the licensing regime, however, only large-scale community-based or charitable markets, will require a licence. This rationale is to ensure that the small, ad hoc markets, many of which have operated for many years across the district without any adverse issues or complaints arising, are not burdened with unnecessary bureaucracy. It is considered however, that a community/charitable market operating 25 or more stalls should be included in the licensing regime as the risks to public safety and other environmental health, health and safety etc are likely to be relevant and justify scrutiny.

11. A charging process will be included within the licensing regime. A Fees Policy and schedule is proposed at Appendix 3 of this report. The fees for commercial markets vary depending on the size and frequency of the market event over the year and have been calculated based on reasonable and proportionate estimate of the time required to process applications, initial site visits, draft licence agreement and ongoing costs associated with compliance visits, responding to enquiries, complaints and associated administration. It is proposed that community-based or charitable markets providing 25 or more stalls are charged a flat fee of £100 to cover administrative costs. An additional cost per market may apply where such a market is held more than once in any calendar year and will be based on the market formula set for commercial markets. These fees, if approved will be included in the Council's current Fees and Charges Schedule and will be subject to the Council's annual fee review.

12. Finally, Cabinet will be asked to ratify a piece of legislation relevant to this Market Policy, that is known to have been adopted by Members historically but does not appear in any current records. The Council has adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982, that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so. However, whilst the Council's Constitution references the said legislation in its delegations, no minuted records exist to evidence the adoption of the legislation in the first instance. Our Legal Services recommend that for completeness and to protect against any potential challenge in the courts, that this legislation be ratified and minuted again by the current Cabinet.

13. Overview and Scrutiny Committee are asked to comment on the proposed Epping Forest District Market Policy and the Market Fees Policy, before its consideration at Cabinet on 11 April 2022.

### **Reason for decision:**

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

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

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

### **Options considered and rejected:**

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

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

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

### **Consultation undertaken:**

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

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

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

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

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

- A new paragraph is inserted at 8.4 that states that 'community-based markets with up to 24 stalls will



not require a market licence however, the Council's expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply'. This has been included, to ensure that the small, ad hoc markets, many of which have operated for many years across the district without any adverse issues or complaints arising, are not required to apply for a market licence which is considered an unnecessary burden.

- A new paragraph inserted at 11.4 under 'Market Fees' reinforces that a market event with less than 25 stalls does not need a licence and therefore no fee is payable. Any community market that falls under the licensing regime by virtue of having 25 plus stalls will only have to pay a one-off administrative fee. An additional cost per market may apply where a community-based or charitable market with 25 stalls or above is held more than once in any calendar year; any additional cost will be calculated using the market formula contained within the general market licence fee structure.
- The Market Policy has been amended to reflect further the Royal Charter market rights enjoyed by the existing Epping, Ongar and Waltham Abbey markets. Paragraphs 9.5 specifically includes the Town and Parish Councils as a consultee in all applications and a new paragraph 9.6 states that where an application has been submitted, in an area legally entitled, by virtue of historic Royal Charter to operate weekly markets, the automatic presumption will be to refuse permission, unless the application is supported by the relevant Parish or Town Council.
- As explained at paragraph 7 and 8 of this Report, Epping and Ongar Town Councils have elected to be the market authority for their parishes and this is reflected in amendments to the Policy at paragraphs 4.2, 4.4 and 5.1. Loughton Town Council is expected to be considering a proposal to do so at its next full council; Waltham Abbey, Ongar and Shelley have also vested an interest.

#### **Resource implications:**

There will be no additional staff resource.

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

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

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

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

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

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

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

#### **Background Papers:**

Epping Forest Council Economic Policy: Nurturing Growth 2020-2025

Buckhurst Hill Regeneration Study 2021

Epping Regeneration Study 2021

Loughton High Road Regeneration Study 2021

Loughton Broadway Regeneration Study 2021

Waltham Abbey Regeneration Study 2021



## **Impact Assessments:**

### ***Risk Management***

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

### ***Equality:***

See EQIA at Appendix 4



## Market Policy

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

### 1. Introduction

- 1.1 Epping Forest District Council (“the Council”) recognises the important contribution that markets can make to the local economy and the character of an area. Markets can deliver economic growth & regeneration; they offer an opportunity for small businesses to get started for a relatively modest financial outlay, help increase town centre vitality and contribute in a number of ways to the local communities they serve.
- 1.2 The promotion of markets is an important inclusion in the town centre regeneration projects for Epping, Loughton, Ongar, Waltham Abbey, Buckhurst Hill and the district as a whole and is particularly relevant, following the coronavirus pandemic which has redirected community focus towards the outside shopping and hospitality experience.
- 1.3 The purpose of this policy is to create a market trading environment that compliments the surrounding area and retail offer, is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers. It seeks to encourage and stimulate investment from local traders and to create a quality and sustainable offer to our residents and visitors.
- 1.4 The Council recognises that there are many different types of market activities and accordingly, the Markets Policy is intended to cater for each type. In particular, the

Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Sections 7 & 8 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.

1.5 This policy has been written with a view to supporting the following objectives:

- Recognise the importance and contribution of markets to the wellbeing of the local economy;
- Enhance the economic diversity of the area;
- Protect and, where possible, enhance the amenity and character of the District and local communities within it;
- Offer opportunity for local traders and businesses;
- Provide traders with guidance and clarity;
- Encourage residents to spend locally on their High Streets and support their local business community;
- Ensure coherence with Council policies and relevant legislation; and
- Promote fairness, transparency and consistency.

## **2. Consultation and Review of the Market Policy**

2.1 There is no statutory requirement to consult before determining this licensing policy however to ensure openness and transparency, prior to implementing this policy the Council has chosen to consult with the following:

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

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

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

2.4 Anyone wishing to comment on this policy may do so in writing to the Licensing Team Manager, Epping Forest District Council, Civic Offices, 323 High Street Epping CM16 4BZ or via the Councils comments, complaints and complaints page on the Councils website

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

- 3.1 Epping Forest District Council licenses private operators to operate the following markets:
- North Weald Market – every Saturday and Bank Holiday Monday between 8am & 3pm
- 3.2 The Town Councils in the following areas either do or can operate a market by virtue of an historic Royal Charter:
- Waltham Abbey Market – every Tuesday and Saturday
  - Epping Market – every Monday
  - Ongar Market – first Sunday of every month

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

- 4.1 The towns of Epping, Waltham Abbey and Ongar are legally entitled, by virtue of historic Royal Charter to operate weekly markets. In more recent times, powers have been vested in local authorities under, what is now, Part III of the Food Act 1984, to hold markets and have the right to licence and control the frequency of markets within their district.
- 4.2 Part III of the Food Act 1984 allows either Parish or District Councils to be the Market Authority and Epping and Ongar Town Council's are elected the Market Authority for their Parishes. As such Epping Town Council and Ongar Town Council enjoy the rights and responsibilities for the establishment of all commercial and community-based markets within its area. Whilst the district council is the current market authority for all other areas, any future proposals by Parish or Town Councils to become a market authority will be reflected in an updated Market Policy document.
- 4.3 In addition to the regular Council markets listed above, the Council, where it is the Market Authority, may also operate occasional market events, such as plant and craft fairs, Christmas and summer markets, festivals and other themed markets across the district. Accordingly, the above list is subject to change and shall be updated as part of a periodic review of the Council's Markets Policy.
- 4.4 Any market other than a market operated by Epping Forest District Council or a Charter market, or a market operating within the Epping or Ongar Parish, will be subject to this policy.
- 4.5 The Council has also adopted Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 that requires any person intending to hold a temporary market to notify the Council in advance, so that if appropriate, the Council can take steps to remove the permitted development rights to hold such a market and require the operator to apply for planning permission to do so.
- 4.6 This right has been exercisable for many years and this policy takes into account the relevant legislation.

- 5.1 The Council's Markets Policy is intended to apply to all market events held in the district of Epping Forest, (but not Epping or Ongar Parish), that are not a Charter market or are not operated by Epping Forest District Council.
- 5.2 The legal definition of a market is a 'concourse of buyers and sellers' (this means that the public are entitled to attend market events to buy and sell). It should be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold by a range of different sellers.
- 5.3 A market may be held either outdoors or indoors and on public or private land and includes car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets but does not include jumble or table-top sales held for charitable or community purposes. However, this list is not exhaustive.
- 5.4 There will be an operator of the market who will be responsible for the organisation and delivery of the market event. A Market Operator means the person, body or organisation to which a market licence is granted by the Council.
- 5.5 A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate licence may not be required. However, this requirement shall be determined on a case-by-case basis.
- 5.6 This markets policy does not apply to street trading activities. Street trading is controlled by a separate licensing process and relates to the granting of individual trader consents. Further information about street trading activities can be found on the Epping Forest District Council website: <https://www.eppingforestdc.gov.uk/licensing/apply-for-a-licence/street-trading/>

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

- 6.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 14 below.
- 6.2 Market licenses are issued to the Market Operator identified in the application ("the Market Operator") and are not transferrable.
- 6.3 The Council shall consider applications in respect of the following categories of market events:
- a) Commercial markets; and
  - b) Community-based markets (operated for a good cause or special event, with a strong charitable element).

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

## **7. Commercial Markets**

7.1

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

- No market shall be authorised unless it can be demonstrated that the proposed market complements existing retail activity in the local area and supports the Council's objective of helping to create a thriving local economy that is attractive and welcoming and does not prejudice the overall market offer.
- A lawful Council operated market, Charter market or other market which the Council has issued a licence, is entitled to the right of protection within a common law distance of six and two third miles from the existing market on the same day - measured 'as the crow flies'. This common law entitlement is part of a local authority's market rights and has been upheld by a Court of Appeal. Equally, a new market will not be permitted to operate within the common law distance of the established market, on a different day or days, where there is likelihood of damage to the business activity of the established market. Please note that, irrespective of this Council's Policy, an established market owner is entitled to take its own private legal action against any rival market by virtue of s.50 (2) of the Food Act 1984
- The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- Design of stalls must enhance the visual appearance of the area and be constructed in a suitable style and of appropriate materials i.e. simple, functional stalls with canopies or awnings of traditional or modern design.
- The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place. All traders must comply with any relevant statutory requirements, bylaws and other legislation.
- Where necessary consultation with police, fire, health & safety and highways should be carried out together with any other relevant body.
- The relevant application fee must accompany the application. The licence fees for any markets licence consist of a non-refundable fixed application fee and a sliding scale fee based on both the size of the market and the frequency with which the market is to be held.
- All market traders must hold a current public liability insurance policy with cover of at least £5,000,000.00 (five million pounds) for any one claim. The policy must indemnify the Council and its employees against any claim, howsoever arising. Details including name and address of insurance company and policy number must be provided to the Council and upon each renewal date updated details produced and filed in the Council office prior to the market taking place.

- All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to. Food businesses with articles exposed or offered for sale for human consumption shall comply with current food & hygiene regulations and be able to demonstrate the required certification.
- Food businesses trading should have a minimum food hygiene rating of 3 (standards are generally satisfactory) or above.
- Type of goods to be sold. The goods must complement and not conflict with goods sold by other retailers in the immediate area.
- Consideration being given to the adjacent retail offer to each individual pitch and limiting the number of those selling similar goods. This encourages diversity of offer and operators should seek to complement rather than compete.
- Demonstrates a preference to the use of local traders and businesses.

7.2 Following outline approval of an application a licensing agreement must be entered into between the Market Operator and the Council and such licensing agreement must be signed by both the Council and the Market Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including, but not limited to the following:

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

Any other requirements the Council consider appropriate.

## **8. Community – Based Markets**

8.1 Community-based markets are normally organised by local communities or groups with the intention of raising funds for a specific cause or celebrating a special event.

8.2 The markets must be operated on a non-profit basis to assist a charity or community, and the operator shall supply relevant information to the Council if requested. Whilst it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element in the way the event is organised.

- 8.3 Where a market is being operated on behalf of a registered charity, the operator must provide written permission from the charity organisation to raise funds on their behalf.
- 8.4 Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.
- 8.5 In respect of any licence the operator must have adequate insurances, comply with Trading Standards guidelines, health and safety requirements and any other legislative requirements or other statutory provisions laid down by the Council.
- 8.6 Where applicable, a licensing agreement will be entered into between the operator and the Council and such licensing agreement must be concluded before the market takes place. This agreement will include and insist on such other requirements as are deemed appropriate to ensure consumer and public safety standards.

## 9. Process for Determining Market Applications

- 9.1 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be viewed and downloaded from <https://www.eppingforestdc.gov.uk/xxxxxxx>.
- 9.2 The application accompanied by the relevant fee should be completed and submitted to [licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)
- 9.3 The application process will consider such matters as (but not limited to):
- Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments? The purpose of the risk assessment is to:
    - a) Identify elements of the event or infrastructure that could cause injury or illness
    - b) The likelihood that someone could be harmed and how seriously (the risk)
    - c) What action will be taken to eliminate the hazard, or if this is not possible, control the riskThe risk assessment will form an important part of the overall event management plan however, the event management plan should consider wider issues including; noise levels and the likelihood of noise disturbance to local residents, crime and disorder, evacuation, parking, stewarding and marshals, staff training, ingress and egress of attendees etc.

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

- Has the operator held other events within the district, if so, how many and at what frequency?
- Previous applications being refused, or licence being revoked.
- Has permission been granted by the venue/landowner?
- Potential risk to the public in terms of highway safety and obstruction such as interference with sight lines, junctions, accesses, pathways and crossings.



- Free flow of pedestrians or vehicles in the street, with particular regard for the visually impaired or those with other physical disability.
- Road safety, including existing traffic orders and waiting restrictions.
- The nature of goods to be traded. Including those deemed inappropriate or to have an adverse health or environmental risk.
- Likelihood of activity to present crime and disorder or anti-social behaviour risk.
- Whether the grant would create conflict with the trade of existing businesses.
- Likelihood of noise, odour and litter or encourage vermin.
- Comments received from consultees.
- Obtaining of any other required permission or consent.
- Conflict with any other Council policy.

- 9.4 The Council will aim to deal with applications within a period of 28 days of receipt. Applicants are urged to apply as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide full information as highlighted above may lead to a delay in the Council reaching its decision or the application being refused.
- 9.5 The Council will consult on applications and in doing so it will share information with other agencies as appropriate including the Town and Parish Councils, the Police, Essex County Council Highways, Planning and Environmental Health etc.
- 9.6 Where an application has been submitted, in an area legally entitled, by virtue of historic Royal Charter to operate weekly markets, the automatic presumption will be to refuse permission, unless the application is supported by that Parish or Town Council.
- 9.7 The guidelines detailed in sections 7 & 8 of this policy will be applied when an application is made and received by the Council.
- 9.8 Where an application is refused, the Council will set out the reasons for its decision in writing. If the applicant wishes to appeal the decision it should do so, in writing, within fourteen days of the Councils written decision. Please see section 10 in respect of the appeals procedure below.
- 9.9 All decisions to grant a market licence are made at the discretion of Epping Forest District Council. The Council may issue a licence for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.

## **10. Appeals Process**

- 10.1 If the Council determines to refuse an application for a market licence, it will contact the applicant and set out the reasons for its decision in writing.

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

## **11. Market Fees**

- 11.1 A reasonable administrative fee will be charged for applications. The fees are set on a cost recovery basis, taking into consideration the time and cost to the Council in determining the application. If the application is successful, there will be an additional fee to cover the cost of ongoing compliance visits.
- 11.2 The additional fee is payable once the application has been granted by the Council. An agreement between the applicant and the Council will be drawn up by the Council and this will require the appropriate fee to be paid at least 7 days prior to the event taking place.
- 11.3 The fees are payable annually and are determined on the type, size and frequency of the market using the following categories:
- Up to 14 stalls
  - 15 – 24 stalls
  - 25 - 34 stalls
  - 35 – 44 stalls
  - 45 – 54 stalls
  - 55 – 100 stalls
- 11.4 In respect of community-based or charitable markets, markets with up to 24 stalls will not require a market licence and accordingly no fee will apply. For those with 25 stalls or above a flat fee is charged to cover administrative costs. An additional cost per market may apply where a community-based or charitable market with 25 stalls or above is held more than once in any calendar year and any additional cost will be calculated using the market formula contained within the fee structure shown above.
- 11.5 Fees do not include any other fees that may be charged for the operator to comply with other relevant legislation, for example, a Game Licence, Alcohol Licence, Planning or Highways permission.
- 11.6 Fees are reviewed annually and are available on the Council's website.

## **12. Other Approvals**

- 12.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents or licences to be obtained by the Market Operator.

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

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

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

### **14. Enforcement**

- 14.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy.

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

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

- 15.1 The Market Operator shall not permit the sale, exchange or giving away of live animals, birds, fish, reptile or other livestock on the market place.
- 15.2 No firearms (real or imitation), air weapons, sheath knives, cut-throat razors, hunting/fighting knives, bows or crossbows may be available for sale (domestic cutlery is permitted). The sale of any item that may be deemed to be of a harmful, objectionable or offensive nature, or that is prohibited by current Acts of Parliament, is not permitted.
- 15.3 Loudspeakers, instruments or other noise generating appliances are not to be used or shall be so moderated as not to cause any nuisance, annoyance or disturbance.
- 15.4 Where the market is held on the public highway, there must be an absolute minimum of 0.450 metres from the kerb edge to a market stall/person serving at the market stall.
- 15.5 Vehicles to unload and load the market are not exempt from existing parking restrictions/taxi bays/disabled parking bays, therefore it is important to consider where they can park safely without having an impact on any other highway user.
- 15.6 Where the market is held on the public highway, market vehicle parking should be considered as most locations cannot accommodate all day parking.
- 15.7 Where the market is held on private land, the Market Operator must ensure that there is adequate parking on the market site for both sellers and buyers.
- 15.8 Where applicable, the Market Operator must ensure that there are sufficient stewards on duty to control traffic entering and leaving the market site and to control parking on the site in a safe manner.
- 15.9 Market loading and unloading must not cause any trip hazards.
- 15.10 Traders/the Market Operator must supply their own stalls, including any tables and awnings.
- 15.11 Awning and stalls used must be stable in all weather conditions and not present a danger to other market/highway users
- 15.12 Awnings for stalls must not present trip hazards.

- 15.13 Market stalls and stock should not block any highway crossing facilities and/or any access to highway crossing facilities.
- 15.14 Market stalls should not be placed in any particularly narrow sections of the footway.
- 15.15 Market stalls should be allocated positions that ensure any queues do not block the footways.
- 15.16 Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, older people and those with mobility needs. A width of 2m should be maintained but where this is not possible, 1.5m will be the minimum width allowed. Market stalls must be located to ensure that queues do not impede access routes.
- 15.17 Stalls should not have goods spread across the footway in front of them.
- 15.18 The Market Operator must provide suitable receptacles for the disposal of litter and ensure that all rubbish is removed from the vicinity of the market at the end of the day's trading.
- 15.19 Traders shall not bring onto the market any inflammable liquids, gases, fireworks or similar articles which may cause fire or explosion. The exception being a gas supply for cooking food upon such conditions as the Council may direct.
- 15.20 No goods may be displayed or sold which in the opinion of the Council are inappropriate, dangerous or likely to cause offence to other traders or members of the public.
- 15.21 No goods may be displayed or sold that are counterfeit or in breach of copyright or patent.
- 15.22 No mains-powered electrical goods may be sold except for new items still in their original packaging.
- 15.23 Second-hand or used electrical goods may not be sold, even if PAT-tested
- 15.24 All traders must familiarise themselves with the conditions of the licence issued by the Council.
- 15.25 All incidents, accidents and "near misses" involving Traders, their staff or members of the public must be recorded and reported as soon as possible to the Council.

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

**Market Policy Consultation Responses and Action Taken**

Responder	Comment	Proposed Action Taken
Essex Police – received via email	15.16 An acceptable width of footway should be left available at all times – What is “acceptable “ it maybe useful to stipulate a distance or for example “ Wheel chair , pushchair access “	Amend 15.16 to include; Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, older people and those with mobility needs. A width of 2m should be maintained but where this is not possible, 1.5m will be the minimum width allowed. Market stalls must be located to ensure that queues do not impede access routes. This is consistent with pavement licensing policy.  <b>Outcome achieved;</b> This is consistent with current pavement licensing policy and provides clear guidance to operators.
Friends of Swaines Green - organisers of the annual May Fayre – received via email	<b>Point 1.</b> <i>5.4 There will be an operator of the market who will be responsible for the organisation and delivery of the market event. A Market Operator means the person, body or organisation to which a market licence is granted by the Council.</i> <i>5.5 A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate licence may not be required. However, this requirement shall be determined on a case-by-</i>	<b>Point 1.</b> Amend draft policy to state; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy. Those with 25 or more stalls will require a market licence to which a fee will apply.  Advice given regarding other licensing requirements that may apply i.e. premises licence or Temporary Event Notice if Alcohol is to be sold.  <b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.

case basis.

Clearly we will need a market licence for the May Fayre, but this implies we would require a licence for a 'wider event' – is this correct and what further licence would we need?

**Point 2.**

We note that our May Fayre is a 'Community based market' according to your section 8, although the implications are not clear.

*8.4 In respect of any licence the operator must have adequate insurances, comply with Trading Standards guidelines, health and safety requirements and any other legislative requirements or other statutory provisions laid down by the Council.*

We have insurance for the May Fayre, but there is no indication of what level is 'adequate'. How should we interpret that?

**Point 3.**

*9.3 The application process will consider such matters as (but not limited to):*

- *Has an adequate Event Management Plan been completed with the inclusion of any relevant Risk Assessments?*

No information is given on what you consider an Event Management Plan to comprise, nor of what Risk Assessments you would require. Please clarify to provide enough information so that this requirement can be complied with. Does the Council require a copy of these documents as part of the licensing process?

**Point 4.**

15. Market Rules and Conditions

**Point 2.**

No proposed action. The policy states that all market traders must hold a current public liability insurance policy with cover of at least £5,000,000.00 (five million pounds) for any one claim, but we do not specify an amount for the operator. The Councils view is that this is a matter for the operator to determine in discussion with their insurer as they will be best placed to advise on the appropriate level of insurance cover required.

Should the Council determine to remove the requirement for community/ charity-based markets with less than 25 stalls to hold a market licence, then the Council will not be imposing any formal requirements on the event organisers. However, it is the Councils expectation that all operators comply with the market rules and conditions detailed in the policy as a matter of good practice.

**Outcome achieved;** Clarification provided

**Point 3.**

Amend policy to include; Market operators, should have a risk assessment in place to protect themselves, volunteers, traders and those attending the event from potential harm. The purpose of the risk assessment is to;

- Identify elements of the event or infrastructure that could cause injury or illness
- The likelihood that someone could be harmed and how seriously (the risk)
- What action will be taken to eliminate the hazard, or if this is not possible, control the risk

The risk assessment will form an important part of the overall event management plan however, the event management plan should consider wider issues including; noise levels and the likelihood of noise disturbance to local residents, crime and disorder, evacuation, parking, stewarding and marshals, staff training, ingress and egress of attendees etc.

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

**Outcome achieved;** Clarification and guidance

	<p><i>15.1 The Market Operator shall not permit the sale, exchange/giving away or display of live animals, birds, fish, reptile or other livestock on the market place.</i></p> <p>We need a lot more clarity on this point. We normally include stalls supporting charities for ferrets, owls, sometimes lizards etc., and these stalls have these animals on display for the public to see and sometimes handle. This is typical for a public event of this type anywhere in the country, and it would be very disappointing not to have these.</p> <p>In addition, we need to determine if this regulation prevents us from having a dog show, ferret races, or a bird of prey demonstration, for example. If it does not, then this regulation needs expressing more clearly.</p>	<p>provided to applicants.</p> <p><b>Point 4.</b></p> <p>Amend 15.1 as follows;</p> <p>15.1 The Market Operator shall not permit the sale, exchange/giving away of live animals, birds, fish, reptile or other livestock on the market - place.</p> <p><b>Outcome achieved;</b> This will no longer prohibit the exhibition of animals etc.</p>
<p>Epping Horticultural Society (EHS) – telephone enquiry</p>	<p>Concerns raised that annual EHS flower show at St Johns Church Epping will under the proposed policy require a market licence due to the event having between 6 -12 stalls and this will not be financially viable.</p>	<p>Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p> <p><b>Outcome achieved;</b> To remove the requirement for small to medium events to apply for a market licence but to encourage compliance with the market rules and conditions detailed in the policy as a matter of good practice.</p>
<p>Loughton Residents Association</p>	<p>For many years we have organised a monthly market on Centric Parade, High Road, Loughton, in conjunction with a commercial market operator. We wish to restart these markets in 2022, on a similar basis.</p> <p>We therefore welcome the Council's proposals, and look forward to them being brought into force at the earliest possible date.</p> <p>Our only comment on the text of the Policy is that we think that it would help avoid misunderstandings and/or doubts among readers of the Policy if paragraph 5.6 can be amended to make it clear that individual traders do not need to apply for individual street trading licences if a market licence is being applied for by a market organiser, as this point has already been raised with us.</p>	



<p>Paul Messenger <i>FIPM</i> Town Centres Manager Epping Forest District Council</p>	<p>I am writing further to your letter of 29 November 2021 inviting comments on the proposed Market Policy. In basic terms, I consider the introduction of this Policy to be a very positive step and a formal method of regulating and licensing the running of one off and/or regular markets across the District, particularly where towns do not hold Charter Market status. At the current time, I am in conversation with three locations which have expressed an interest in running a market and where the implementation of this Market Policy would play a crucial part in enabling them to do so.</p> <p>From my perspective as a Place Manager and Town Centres Manager for Epping Forest District Council, I consider that markets can play an important role in contributing to a vibrant and attractive town centre. They provide social value to the town in which they are based and provide benefits to economic, social and environmental wellbeing. Further, markets can stimulate a footfall increases of up to 25% (Institute of Place Management 2015) which in turn can increase retail sales for the town as a whole as visitors also spend money in the towns other shops. Markets also encourage new businesses and nurture retail innovation particularly as they provide low barriers to entry. Overall therefore, I see that this Policy will be highly beneficial and will provide towns and villages across the District with a means of operating a market and the required guidelines for doing so.</p> <p>At the current time with Covid being so prevalent open air markets are also good as they enable people to shop, whilst at the same time engaging in social interaction in the relative safety of the open air. This in turn encourages the social wellbeing and community value of a town at a time when people could become isolated, alone and out of touch.</p> <p>Although I am not qualified to comment on the contents of the Policy, I would say that it appears to be extremely comprehensive and covers every eventuality.</p>	

	<p>In short, I welcome the introduction of this Policy and on its completion, will look forward to speaking to towns and villages about the benefits of markets and the merits of holding them within their particular location.</p>	
<p>T.A.N.Valder-Hogg</p>	<p>I am concerned that the draft market policy will create burdens for small shows, such as the Epping Horticultural Society show or the Epping Railway Circle exhibitions that will make them unviable. It appears (my notes below) that charities holding “markets” are exempt from some of the burdens the policy would introduce for commercial operations, but other not-for-profit organisations are not clearly exempted. Many small organisations are not charities because it introduces administrative burdens for little or no gain. I can tell you from experience that it is extremely difficult to find a treasurer for organisations which aren’t charities, and more so if they are.</p> <p>You may notice that s1.4 mentions charities, and not other not-for-profit. I think a whole section of community events has been forgotten about and the document as it is ladders them with commercial costs (as yet unstated) and administration.</p> <p>I also wonder what effect this draft policy would have on not-for-profit stalls at commercial markets.</p> <p>Notes:</p> <p>According to s5.5 this is to apply to any event with more than five stalls selling anything, other than street trading.</p> <p>s8 deals with “community” markets which must be not-for-profit. 8.2 specifies not-for-profit or charity BUT 8.3 requires proof of charity registration thus eliminating not-for-profit organisations which are not charities e.g. the Epping Horticultural Society, Epping Railway Circle. This is very important as small community groups are often not charities because of the increased administration without any great benefit. If this section is not sensibly rewritten, it will put all not-for-profit commercial enterprise would have</p>	<p>Amend 8.3 of draft policy as follows; Community-based markets with up to 24 stalls will not require a market licence however, the Councils expectation is that they shall comply with the market rules and conditions detailed in this policy as a matter of good practice. Those with 25 or more stalls will require a market licence to which a fee will apply.</p>

onto not-for-profits and bring an end to shows/exhibitions in the EFD area.

s9.3 mentions a borough - Has this been copied from a London Borough without sufficient thought as to the effects in an area like ours, or perhaps the writer is unaware that EFD is not a borough.

s11 Fees - These are unstated, but the indication is that there will be significant administration and the fees for this might be injurious for organisations which struggle to break even. For reference, horticultural society shows expect to make a loss.

Some charities have quite small turnovers, and one wonders what the effect of this might be on Womens Institute or church open events

s15.3 - the writer should note that the use of a system to make announcements is at some events a safety requirement as well as necessary for things such as prize giving. Rewriting desirable.

15.7 - People around Epping rely on the public car parks to get to almost any Epping event. Will the lack of parking prevent markets from taking place in Epping?

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

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

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

In 8.2 add "or community interest" after or before "charitable element".

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

I wonder how the District Council acting as a licensing authority will work with the other local authorities with market rights. Will it be necessary to obtain licences both from the District Council and a

	<p>Town Council in those places which have charter markets? It seems sensible in such places to only have to obtain a licence from one authority, and that authority would most sensibly be the one with a more detailed knowledge of the town; the Town Council.</p> <p>Tim Valder-Hogg</p>	
<p>Judy Lovell - Loughton Broadway Town Centre Partnership</p>	<p>I am writing on behalf of the Loughton Broadway Town Centre Partnership. The draft market policy was circulated to members before our last meeting.</p> <p>The general feeling was that we are appreciative of the work put into drawing up this draft policy, and we are glad that there will be clarity for anyone who wishes to establish a commercial market locally.</p> <p>In particular we are glad that it states that there is a desire to complement the existing retail opportunities, as we would not want existing retailers to feel that they were facing inappropriate competition.</p> <p>The aim of helping to create a thriving local economy and that goods must complement and not conflict with goods sold by other retailers in the immediate area is also appreciated. The encouragement of diverse offers and complementary goods within the market itself is also valued.</p> <p>At this stage there is no indication of the amount that will be charged for either a commercial or charitable market, and so we are unable to comment on that aspect of the policy.</p> <p>Thank you for holding a consultation on the policy.</p>	
<p>Jo Mackey – Restore Community Church</p>	<p>After reading through the draft market policy I am concerned that not enough thought has been given to the consequences of the policy regarding the Charity sector.</p> <p>I understand the need for a policy but most Churches, Schools and other Community organisations will at some point have a fair or market type event in order to fundraise, so the question is how will you make</p>	

	<p>them aware of the policy? What will happen if they fail to apply for a licence? Will EFDC be able to cope with an influx of applications which I can imagine will be focussed on specific times of the year? Would it not be prudent to increase the number of stalls you can have before requiring a licence?</p>	
<p>David Buckle Show Secretary, Epping Horticultural Society</p>	<p>Having reviewed the draft policy as Show Secretary of the Epping Horticultural Society, the following concerns and questions have been raised</p> <p>1)As a local society that is not registered as a charity (but affiliated with the RHS), would our annual horticultural show have to be registered as a commercial market under the proposed policy?</p> <p>a)Other than by formally applying is there any way to confirm the categorisation?</p> <p>2) As a society that is not a registered charity, the proposal paragraph 8.3 is disturbing. "The operator must hold adequate proof that the charity they represent is registered with the Charity Commission, and provide written permission from the charity organisation to raise funds on their behalf."</p> <p>a) Does this paragraph apply only to those claiming charitable status or are all local societies required to conform? I'd suggest that "that the charity they represent" be changed to "that any charity or charities they intend to represent".</p> <p>b)While the society makes no claim to be, or represent, a charity, several stall holders are there as representatives of such. Would each charity that may be invited be required to provide the noted proofs at the time of the licence application?</p> <p>3)While the society is covered by public liability insurance for its public interactions, the level suggested (admittedly under the commercial heading) is somewhat in excess of our current policy. Would we need to revise our insurances to gain a license? Would we also need to ensure that each potential vendor is separately insured to an equivalent level under the licence terms?</p>	

	<p>4)While the society can see the intent behind the provision of the hygiene rules, continued use of the church tea-making facilities at St Johns, Epping, and the sale of the WI's excellent cakes at the show would seem to be ruled out as each and every volunteer or potential donor would need a separate certificate. As this forms a key part of the core of the show's social interactions it may be better for us to ensure that the need to register never applies or that this activity ceases, to the detriment of all concerned.</p> <p>5)The policy gives no indication of the scale of tax that might apply in order for a local organisation to gain an appropriate licence. Given the small budgets and narrow/negative profits this event would be quite sensitive to that tax scale.</p> <p>6)The policy would appear to apply to the efforts of almost every social institution in the district – school fetes, open-days at the fire station, church socials, airfield museum open days, etc. Are all intended to be covered and require licencing?</p> <p>In the light of the suggestion (23/11/2021) to increase the limit to 25 stalls for non-commercial events, I would see that as a great step forward for many groups, but not a universal panacea to the above issues.</p>	
Epping Town Council	<p>On 29th November 2021, representatives of Epping Town Council met with representatives of Epping Forest District Council to discuss Epping Forest District Council's Markets Policy and how it may affect Epping Town/Parish, as Epping Town Council are the holder of a Royal Market Charter and as such, are an overlapping authority with Market Rights. Representatives of Epping Forest District Council advised that they would undertake further research and work on their Policy and further communication would take place between the two Councils. After taking the necessary legal advice, Epping Town Council adopted a Market Policy, which is attached to this correspondence. Epping Town Council have been advised that it would be for Epping Town Council to be the</p>	<p>Further discussions with Epping Town Council, the NABMA and our Counsel opinion (Cornerstone Barristers) is summarised as:</p> <p>The Food Act 1984 empowers a local authority to establish and operate markets across its district and to be the market authority. The legal definition of 'local authority' under the Food Act includes district and parish councils.</p> <p>The Epping Forest district council cannot therefore assume market authority status for all parishes across the district and it is within the gift of each parish to propose to be the market authority for their own parish. In theory both district and parish councils could be a market authority for the same area, but this would be duplicitous and unnecessarily bureaucratic. In any case the district council will always want to work with and not against the parishes.</p> <p>Epping Town Council and Ongar Town</p>

	<p>Market Operator for Epping Parish, which would encompass the community groups in Epping Parish. This would reduce unnecessary complications and duplicate administration. Epping Town Council's Market Policy has been adopted. It will, of course, be necessary for there to be further communications between the two Councils. In its current form, Epping Forest District Council's Markets Policy does not recognise the Market Powers held by Epping Town Council and will need to be amended to reflect these. Epping Town Council look forward to working with Epping Forest District Council in relation to this matter.</p>	<p>Council want to be the market authority for Epping parish and our market policy is amended to reflect this. Other Parish Councils are considering their options</p> <p><b>Amendments:</b></p> <p>Insert a new paragraph 4.2 to state : Part III of the Food Act 1984 allows either Parish or District Councils to be the Market Authority and Epping and Ongar Town Council's are elected the Market Authority for their Parishes. As such Epping and Ongar Town Council enjoy the rights and responsibilities for the establishment of all commercial and community-based markets within its area. Whilst the district council is the current market authority for all other areas, any future proposals by other Parish or Town Councils to become a market authority will be reflected in an update Market Policy document.</p> <p>Amend paragraph 4.4: Any market other than a market operated by Epping Forest District Council or a Charter market, or a market operating within the Epping or Ongar Parish, will be subject to this policy.</p> <p>Amend paragraph 5.1: The Councils Markets Policy is intended to apply to all market events held in the district of Epping Forest, (but not Epping or Ongar Parish), that are not a Charter market or are not operated by Epping Forest District Council.</p> <p>Amend 9.5 as follows: The Council will consult on applications and in doing so it will share information with other agencies as appropriate including the Town and Parish Councils, the Police, Essex County Council Highways, Planning and Environmental Health etc.</p> <p>Insert new paragraph at 9.6: Where an application has been submitted, in an area legally entitled, by virtue of historic Royal Charter to operate weekly markets, the automatic presumption will be to refuse permission, unless the application is supported by that Parish or Town Council.</p> <p><b>Outcome achieved:</b></p> <p>The Market policy is amended to reflect the market authority status of Epping and Ongar Town Council and a clause is inserted that allows for other Parish Councils in the future to be included as a market authority.</p>
<p>Peter Sparks On Behalf Of Debden Traders.</p>	<p>This comes as a refreshing read , straight forward and of a good economic business strategy for our future.</p> <p>However this is no different The Debden Traders proposals over a year ago at street trading licence</p>	

	<p>renewal for the Broadway weekly Market. We can only assume common sense has prevailed and we can at least now move forward in a positive direction.</p> <p>This all meets with our satisfaction and hopefully 2022 will be a fresh start for all with a bright future.</p>	
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Appendix 3                      The Market Fees Policy and Fee Schedule

Commercial Markets

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

Fee Schedule

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

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

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

Community- based and Charitable Markets

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

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



## Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
  - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
  - advancing equality of opportunity between people who share a protected characteristic and those who do not,
  - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
  - age
  - disability
  - gender
  - gender reassignment
  - marriage/civil partnership
  - pregnancy/maternity
  - race
  - religion/belief
  - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
  - Factsheet 1: Equality Profile of the Epping Forest District
  - Factsheet 2: Sources of information about equality protected characteristics
  - Factsheet 3: Glossary of equality related terms
  - Factsheet 4: Common misunderstandings about the Equality Duty
  - Factsheet 5: Frequently asked questions
  - Factsheet 6: Reporting equality analysis to a committee or other decision making body

## Section 1: Identifying details

Your function, service area and team: Regulatory Service; Licensing Team

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

Title of policy or decision: EFDC Market Policy

Officer completing the EqIA: Tel: 07941003570 Email: sdevine@eppingforesdtdc.gov.uk

Date of completing the assessment: 12 Nov 2021

## Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):  The Market Policy will contribute and support the delivery of the Councils Economic Policy: Nurturing Growth 2020-25. In particular, the purpose of this policy is to create a market trading environment that compliments the surrounding area and retail offer, is sensitive to the needs of all users of our town centres and provides a diversity of choice for consumers. It seeks to encourage and stimulate investment from local traders and to create a quality and sustainable offer to our residents and visitors.</p> <p>The Council recognises that there are many different types of market activities and accordingly, the Market Policy is intended to cater for each type. In particular, the Market Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Sections 7 &amp; 8 of the Market Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets. It also recognises the existing Charter Markets already operating in Epping, Ongar and Waltham Abbey and their protected rights</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <ul style="list-style-type: none"> <li>• Recognise the importance and contribution of markets to the wellbeing of the local economy;</li> <li>• Enhance the economic diversity of the area;</li> <li>• Protect and, where possible, enhance the amenity and character of the District and local communities within it;</li> <li>• Offer opportunity for local traders and businesses;</li> <li>• Provide traders with guidance and clarity;</li> <li>• Encourage residents to spend locally on their High Streets and support their local business community;</li> <li>• Ensure coherence with Council policies and relevant legislation; and</li> <li>• Promote fairness, transparency and consistency.</li> </ul>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> <li>• service users</li> <li>• employees</li> <li>• the wider community or groups of people, particularly where there are areas of known inequalities?</li> </ul> <p>The policy will affect all protected groups. This will include residents, visitors and local businesses;</p> <p>Will the policy or decision influence how organisations operate?  The policy will encourage healthy competition and entrepreneurial opportunities for traders; there should be no adverse affects on any protected groups</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>The Policy will include a fees and charges schedule for the application of a Market Licence, to be paid by the market operator, reviewed annually and calculated on a cost recovery basis. There is unlikely to be a necessity for increased staff resources but this will be kept under review</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The proposed Market Policy supports the Councils Economic Development Strategy 'Nurturing Growth' 2020-2025 as part of the corporate strategy to "develop shared prosperity through growing our local economy"</p>

## Section 3: Evidence/data about the user population and consultation<sup>1</sup>

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified? As per Equality Analysis Report submission in report to Cabinet C-037-2019/20 on 26 March 2020 'Nurturing Growth – Delivering an Economic Development Plan for Epping Forest</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>There is no statutory obligation to consult. However, a full public consultation is run from 5 November to 6 December 2021 and the following consultees have been contacted directly:</p> <ul style="list-style-type: none"> <li>• The National Association of British Market Authorities (NABMA)</li> <li>• The National Market Traders Federation (NMTF)</li> <li>• Members of the Council, including Town and Parish Councils</li> <li>• Local businesses</li> <li>• Existing operators</li> <li>• Essex Police</li> <li>• Essex Fire and Rescue</li> <li>• Essex Highways</li> <li>• Essex Trading Standards</li> <li>• Epping Forest Planning Authority</li> <li>• Environmental Health</li> <li>• Relevant Council services responsible for licensing, economic regeneration, legal services and town centre operations</li> </ul> <p>The comments have been tabled in the report to Members. Several amendments have been made to the original draft Market Policy and the Fees Policy as a result of consultation responses, which in particular, are designed to reduce the administrative burden on the community-based and charitable markets. These are highlighted to Members</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p>

## Section 4: Impact of policy or decision

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

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

## Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No x <input type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' <b>YES</b> ', use the action plan at <b>Section 6</b> to describe the adverse impacts and what mitigating actions you could put in place.



## **Report to Overview and Scrutiny Committee**

**Date of meeting: 31 March 2022**

# SCRUTINY

**Portfolio: Planning and Sustainability (Cllr N Bedford)**



**Subject: Epping Forest Special Area of Conservation Strategic Access Management and Monitoring Strategy and Governance Arrangements**

**Officer contact for further information: Vicki Willis (01992 564593)**

**Democratic Services Officer: V Messenger (01992 564243)**

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

**The Committee is asked to comment and make recommendations on the adoption of a Partnership Agreement for the delivery of Strategic Access Management and Monitoring (SAMM) Strategy for the Epping Forest Special Area of Conservation for consideration by Cabinet at its meeting on 11 April 2022. The Agreement comprises:**

- **Governance Arrangements;**
- **Strategic Access Management and Monitoring Strategy; and**
- **Approach to apportionment of SAMM Strategy costs to the relevant competent authorities.**

**The Committee is asked to comment and make recommendations on the approach to securing financial contributions from qualifying development within the District to deliver the SAMM Strategy for consideration by Cabinet at its meeting on 11 April 2022.**

### **Executive Summary:**

1. The Epping Forest contains land which is subject to international protection for its biodiversity value by way of its designation as a Special Area of Conservation (SAC). The Council has a legal duty as a 'competent authority' under the Habitats Regulations to protect internationally important sites, such as the Epping Forest SAC, from the effects of development. This can be best achieved using measures put in place at the Local Plan level.
2. This report specifically concerns the potential impact of residential development on the Epping Forest SAC in relation to additional visitors using the Forest for recreational purposes.
3. The Partnership Agreement presented replaces the 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' adopted by the Council in October 2018. The Agreement has been jointly developed by the Council with other competent authorities, Natural England and the Corporation of London as Delivery Body. The document outlines the updated Site Access Management and Monitoring (SAMM) Strategy for the Epping Forest and the Governance Arrangements to ensure that financial contributions that have been / will be collected from development are spent in accordance with the purposes for which they have been secured and that proper monitoring of spending is put in place. Further, it outlines the robust approach to apportioning the SAMM Strategy costs to individual local authorities, based upon the likely increase in visitor pressure from each local authority as a result of development through respective Local Plans.

4. Finally, this report also sets out how Epping Forest District Council will secure funding from development in its administrative area in order to meet the SAMM Strategy costs apportioned to the local authority area.
5. The Partnership Agreement and the approach to securing financial contributions within the District will be presented to Cabinet on 11 April 2022 for decision. As the report outlines, the Conservators of Epping Forest and the London Borough of Redbridge have approved the Partnership Agreement via their respective Committees and other neighbouring competent authorities are similarly progressing reports through their Committee processes.

**Report:**

6. The Epping Forest contains land which is subject to international protection for its biodiversity value by way of its designation as a Special Area of Conservation (SAC). The SAC designation relates primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. The site forms a critical part of the biodiversity assets and green and blue infrastructure of the District. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.
7. The Council, as the competent authority, has a duty to ensure that plans and projects which it has a responsibility for consenting will not have an adverse effect on integrity of the SAC. This includes by interfering with the restoration of such sites to favourable conservation status within the context of their conservation objectives. Where development plans or projects will have an adverse effect on the integrity of these sites, either alone or in combination with other plans and projects, the Council must assess the implications of such effects, and secure any avoidance or mitigation measures necessary to prevent an adverse effect on the integrity of the site.
8. The Council has a legal duty as a 'competent authority' under the Habitats Regulations to protect internationally important sites, such as the Epping Forest SAC, from the effects of development. This can be best achieved using measures put in place at the Local Plan level so that development projects have clarity on where they can develop and what measures may be necessary to incorporate into a development proposal or addressed through off-site measures including through either direct provision or by securing financial contributions towards their implementation. Strategic approaches to site mitigation often include, for example, access management strategies, habitat management, provision of new alternative natural greenspace for recreation, and sustainable transport choices and other air pollution management interventions.
9. The Epping Forest is experiencing considerable pressure on its habitats from visitors living within the District as well as from outside it. In addition, atmospheric pollution is having an adverse effect on parts of its ecosystems. Atmospheric pollution originates from a wide variety of sources including traffic, power generation, industry, commercial and domestic boilers and from agriculture, most of which is located some distance from the Forest itself. These have resulted in large areas of the Forest being described as having an 'unfavourable conservation status.'
10. The potential impact of development on the Epping Forest SAC in relation to visitor pressure arises primarily from residential development creating additional visitors using the Forest for recreational purposes. These additional recreational pressures can have an adverse effect on its sensitive ecosystems.
11. The Council recognises that additional residential development within parts of the District is likely to give rise to further visitor pressure on the Forest that needs to be either avoided or mitigated. These parts of the District are defined by a 'Zone of Influence' which has been established using evidence from visitor surveys in 2017 and



2019. The current 'Zone of Influence' is 6.2km but this may change over the course of the Local Plan period as a result of future visitor surveys that are scheduled to be undertaken as part of the Monitoring Framework for the Forest. In order to protect the vulnerable habitats within the Forest the Council will secure the provision or enhancement of alternative spaces and corridors that can relieve the recreational pressure on the Forest. This will be achieved by increasing public access to land that is not in the Forest and enhancing the character of existing open spaces and the links between open spaces. These approaches are intended to improve access for walkers, dog walkers, cyclists and horse riders to recreational spaces other than the Forest as well as provide for additional space for wildlife and plant species. In order to achieve this objective the Council has adopted a Green Infrastructure Strategy which provides the District wide framework for providing new areas of Suitable Alternative Natural Greenspace (SANG) related to a number of the Strategic Masterplan areas together with identified opportunities to provide an alternative recreational offer to the Forest, including through enhancements to existing open spaces. These measures will be implemented by developers of relevant sites or through securing financial contributions for the implementation of measures by the Council and its partners.

12. The Council does, however, recognise that there are no mechanisms for preventing new residents from using the Forest and that there is therefore a need to address this by working with the Conservators of Epping Forest to implement SAMM measures within the Forest itself. The Council adopted an 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) in October 2018 which identified a range of measures to be implemented and monitoring activities to be undertaken over the course of the period of the Council's emerging Local Plan. The Interim Approach also identified the level of financial contributions that would be secured from relevant residential developments within the 'Zone of Influence.'
13. The Conservators of Epping Forest presented the Partnership Agreement for the delivery of SAMM for the Epping Forest SAC for approval at the Epping Forest & Commons Committee on 17 January 2022. The London Borough of Redbridge approved the Partnership Agreement and its local tariff at its Cabinet meeting on 08 March 2022. Other neighbouring competent authorities are taking the Partnership Agreement through their respective Committee processes on a similar timescale to that of Epping Forest District Council.

### **Governance Arrangements**

14. In order to be able to spend the financial contributions that have been, or will be, secured from qualifying development, there is a need to put in place appropriate Governance arrangements to ensure that there is proper legal and fiscal oversight. This is to ensure that monies are spent in accordance with the purposes for which they have been secured and that proper monitoring of spending is put in place. To this end a Technical Oversight Group (TOG) of officers, chaired by Natural England, has been established to collaboratively develop these Governance Arrangements. The TOG has, in parallel, worked together to update the Interim Approach for mitigating the impacts of development arising within the Zone of Influence on the Epping Forest SAC (see paragraphs 16–20 below). The Group comprises officer representation from:

Epping Forest District Council  
LB Waltham Forest  
LB Redbridge  
LB Enfield  
LB Newham  
Natural England  
Conservators of Epping Forest

Officers from Harlow District Council, the London Legacy Development Corporation and Essex County Council also attend on a 'watching brief' only basis.

15. The Governance Arrangements set out in Chapter 2 of the Partnership Agreement (see Appendix 1 to this report) have been developed collaboratively between the relevant local authorities and the Conservators of Epping Forest as the body responsible for the delivery of the projects and programmes for which financial contributions have been secured. The Governance Arrangements have been legally reviewed by the parties to the agreement. Importantly, the Governance Arrangements do not create a financial liability for either the individual authorities or the Conservators if the assumed level of development does not come forward as anticipated. This is because the payment of contributions will be based on monies collected, which will occur on commencement of development, rather than on the grant of planning permission. It also makes provision for the short-term investment of monies that have been received but where spend is profiled for later in the SAMM delivery programme.

### **Updated SAMM Strategy**

16. In adopting the Interim Strategy in 2018 the Council committed to continue to work with neighbouring authorities, the Conservators of Epping Forest and Natural England to update and refine these projects and programmes and the approach to securing financial contributions over the course of the Local Plan period.

17. To this end, the Conservators commissioned Land Use Consultants (LUC) to undertake a more in-depth review of the projects and programmes needed to ensure that there would be no adverse effect on the Epping Forest SAC in relation to recreational pressures arising from new development. This detailed report, dated September 2020, was considered by the City of London Corporation's Epping Forest and Commons Committee in November 2020. Members of the Epping Forest and Commons Committee approved the costed proposals in Appendix 1, Table 3 and Appendix 2 and that these be presented to all competent authorities as a basis for SAMM funding in their respective Local Plans through an updated, full Epping Forest SAC Mitigation Strategy and that officers report back on any proposed modifications to the proposals requested by the competent authorities (including 'in perpetuity' calculations) for consideration and approval. The projects and programmes identified a need for some £63 million to be invested in the Epping Forest SAC based on an 'in-perpetuity' basis of 125 years.

18. The projects and programmes contained within the SAMM Strategy have been rigorously assessed by both the competent authorities and Natural England to ensure that it can be demonstrated that such measures can be attributed as being necessary to mitigate the effects of qualifying development. In addition, whilst the competent authorities considered that the use of an 'in-perpetuity' period was justified that basing this on a 125-year period was not. The purpose of the assessment was to ensure that any financial contributions sought would be in accordance with the tests set out at Paragraph 56 of the National Planning Policy Framework and the Community Infrastructure Levy Regulations in that such contributions are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

This review has resulted in a significant refinement of the projects and programmes that were identified in the LUC Report that are deemed as being necessary to mitigate the effects of qualifying development and that the 'in-perpetuity' period used should be for 80 years. The consequence of this is that the initial cost of the measures indicated by the LUC report of some £63 million has reduced to some £24.8 million within the SAMM Strategy that is the subject of this report.

19. The SAMM Strategy that is proposed to be adopted does, however, result in a significant uplift in the overall costs of the measures needed to mitigate the effects of qualifying development from those identified in the Interim Approach. There are a

number of reasons for this. Firstly, the Interim Strategy did not take into account the need to ensure that the measures would be delivered over the lifetime of the development i.e. that they would be delivered ‘in-perpetuity’. Secondly, the Strategy now includes additional ‘people’ resources through the provision of three ‘Ambassadors’ to work with both visitors and local communities to raise awareness of the issues facing the Epping Forest and to work with visitors can do to ensure that their behaviours and activities are ‘Forest Friendly.’ The cost of project managing the implementation of the projects and programmes and the provision of necessary monitoring information has also been included. The need for these posts to be provided ‘in-perpetuity’ has had a significant impact on the overall costs over and above those identified in the Interim Strategy. Thirdly, the assessment of physical assets that will need to be maintained on a cyclical basis and investment needed at the three visitor ‘hubs’ has been more rigorously assessed.

20. Officers are satisfied that the measures and costs outlined in the SAMM Strategy as set out in Schedule 1 of the Partnership Agreement at Appendix 1 are necessary and proportionate and that the Strategy be adopted as a material consideration in the determination of planning and development related applications.

#### **Approach to apportionment across the local authorities**

21. As well as developing the Governance Arrangements and the SAMM Strategy the TOG has worked together to develop an appropriate approach as to how the costs of delivering the SAMM Strategy should be apportioned to individual local authorities.
22. The financial costs of the Interim Approach amounted to £2,593,112 (based on 2018 costs) and the apportionment of those costs was as follows:

Epping Forest District Council £1,355,679 (52.28%)  
 LB Waltham Forest 37.00% £959,452 (37.00%)  
 LB Redbridge £277,982 (10.72%)

23. A significant amount of work has been undertaken since that time to ensure that the approach to apportioning the SAMM Strategy costs to the individual local authorities is robust, justified and proportionate. In doing so, regard has been had to approaches taken in other parts of England. This work has resulted in the development of a more refined approach to that used for the Interim Approach. In essence the approach now proposed is based on the percentage increase in visitor pressure likely to arise from each local authority area as a result of new development proposed for allocation through local plans. This is in contrast to the Interim Approach which was based on the percentage of visitors from each local authority area currently. As a result, the overall percentage of the total SAMM costs attributed to Epping Forest District has reduced from 52.28% to 15.66%. The proposed apportionment of costs per authority is set out in the table below:

<b>Authority</b>	<b>% of pressure caused by new development</b>	<b>Apportionment (80 years)</b>
<b>EFDC</b>	15.66%	£3,886,415.65
<b>WF</b>	68.13%	£16,908,141.66
<b>Redbridge</b>	12.51%	£3,104,665.38
<b>Newham</b>	1.18%	£292,846.13
<b>Enfield</b>	2.52%	£625,400.22
<b>SAMM Programme Total:</b>		<b>£24,817,469.05</b>

## Approach to securing financial contributions within Epping Forest District

24. The overall apportionment of costs arising from the SAMM Strategy is a matter for all the relevant authorities to agree on (as per paragraphs 21-23). However, it is for individual local authorities to determine how they wish to secure funding from development in their administrative area. The rationale used by EFDC in the Interim Strategy was that financial contributions would only be sought from qualifying development within 3km of the Epping Forest SAC. This reflected the fact that the vast majority of all Epping Forest District visitors within the entire ZOI lived within 3km of the Epping Forest SAC boundary. The level of contribution sought by EFDC is currently £352 per dwelling.
25. There is a need to consider whether the current approach to securing financial contributions remains equitable. If the Council were to maintain the current approach of only seeking contributions from qualifying development within 3km of the Epping Forest SAC, the new rate would be £2058.48 per dwelling.
26. If contributions were sought from all development within the 6.2km Zone of Influence. This would provide a rate of £1286.47 per dwelling.
27. In considering which approach to take it will be important to acknowledge what other recreational mitigation/avoidance measures are being secured from development within the District. These costs are separate to the costs arising from the SAMM Strategy and will continue to be secured as set out below:

### Within 3km of the Epping Forest SAC:

- £716 per dwelling is required from new residential development within the parishes of Buckhurst Hill/Loughton/Theydon Bois to contribute toward the implementation of the Roding Valley Recreation Ground/Public Rights of Way infrastructure enhancement projects.
- SANG at South Epping Masterplan Area.
- Contributions to mitigation measures within Lea Valley Park from Waltham Abbey North Masterplan Area.

### Within 3-6km:

- Provision of SANG at Latton Priory, Water Lane and North Weald Bassett.

All development is also required to make contributions toward the implementation of the Air Pollution Mitigation Strategy.

28. In addition to the above considerations cognisance also needs to be given to the evidence provided by the 2017 and 2019 Epping Forest SAC Visitor Surveys. These surveys indicated that a minority of visitors arising from the Epping Forest District administrative area came from the area within 3-6.2km of the Epping Forest SAC. This is not unsurprising given the rural nature of large parts of Epping Forest District within this area. However, there are a number of sites/parts of sites proposed for allocation in the Council's emerging Local Plan that would fall within this area where visits to the Epping Forest SAC could not be discounted. Consequently, it is recommended that all qualifying development is required to contribute but that a 'tiered' approach is taken so that development that is closest to the Epping Forest SAC pays proportionately more than those further afield. A ratio of 90/10 would broadly reflect the current Visitor survey evidence and would result in a contribution of:

Within 3km: £3,497,774.09 = £1852.63 per dwelling

Within 3 - 6.2km: £388,641.57 = £343.02 per dwelling

29. Officers consider that the above approach is the most robust and proportionate having had regard to Paragraph 56 of the National Planning Policy Framework and the Community Infrastructure Levy Regulations and should be adopted by the Council. Officers recognise that this will be an additional financial burden for developments. However, it is important to recognise that the costs of each applicant having to develop their own site specific ('bespoke') solution would be likely to be more costly and it may well be difficult for them to be able to demonstrate that such measures would be effective and deliverable. In addition, the cost of avoidance and mitigation measures across England vary significantly depending on the nature of the internationally important site that is being protected and the measures needed. For example, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy seeks a contribution of £122.30 (base date 2019). However, contributions required by Bracknell Forest Borough Council in relation to the Thames Basin Heaths Special Protection Area average some £6785 per dwelling (within a range) to provide for SAMM and SANG (the SANG component adopts a similar approach to the Council's Infrastructure Enhancement Project for the Roding Valley Recreation Ground). For larger sites that are required to provide bespoke i.e. site specific SANG (which is the same approach as the Council is proposing on a number of the Strategic Masterplan sites) the average cost per dwelling for SAMM measures is some £797 (based on 2021/2022 figures).

**Reason for decision:** To comply with the Council's legal duty as a 'competent authority' under the Habitats Regulations to protect internationally important sites, such as the Epping Forest SAC, from the effects of development. As outlined, this can be best achieved using strategic measures put in place at the Local Plan level. Natural England and the Conservators of Epping Forest both voiced their support for the progress made in finalising the approach to SAMM for Epping Forest in their representations on the Main Modifications to the Local Plan Inspector, although expressed concern that the approach needs to be finalised swiftly to enable the delivery of mitigation to commence. Adoption of the Partnership Agreement is therefore important to support the final stages of Examination of the Council's emerging Local Plan and to enable financial contributions to be paid to the accountable body for the SAMM delivery programme to commence.

**Options considered and rejected:** For Cabinet to decide not to adopt the Partnership Agreement for the delivery of SAMM measures for the Epping Forest SAC. This would mean that the Council would fail to comply with its legal duty under the Habitats Regulations and would be prevented from determining planning applications and applications for prior approval under permitted development which result in a net increase in residential units.

For Cabinet to decide on an alternative approach to secure funding to meet the SAMM Strategy costs apportioned to Epping Forest District.

**Consultation undertaken:** The Local Plan has been developed in partnership with other local authorities under the Duty to Co-operate, local stakeholders and in consultation with residents. The Partnership Agreement has been developed with Natural England, the City of London Corporation (as Conservators of Epping Forest) and relevant local authorities as set out in the body of the report. The Governance Arrangements have been legally reviewed by the parties to the Agreement.

**Resource implications:** As outlined within the report, the SAMM programme will be delivered through contributions from qualifying development. The Governance Arrangements do not create a financial liability for either the individual planning authorities or the Conservators if the assumed level of development does not come forward as anticipated. The Planning Policy Team, within existing resources, will continue to participate in the Technical Oversight Group as outlined within the Partnership Agreement.

**Legal and Governance Implications:** The Local Plan, the Partnership Agreement and the approach to securing financial contributions within the District have been developed in accordance with Government Policy (NPPF) and Planning and Environmental Law. The Governance Arrangements have been legally reviewed by the parties to the Agreement.

**Safer, Cleaner, Greener Implications:** The Local Plan contains policies designed to promote the notion of making good places to live, work and visit. This includes sustainable development, safer by design principles, the provision of alternatives to the car, energy efficiency, quality green infrastructure and environmental considerations. As outlined within Policy DM2, the SAMM Strategy (within the Partnership Agreement) is a key element of the Local Plan's strategic approach to ensuring that development has no adverse impact on the site integrity of the Epping Forest SAC.

**Background Papers:**

EB143/ Cabinet 18 October 2018/ Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation. See <https://www.efdclocalplan.org/wp-content/uploads/2020/01/EB143.pdf>

EB715/ Epping Forest Special Area of Conservation Visitor Survey March 2018. See <http://www.efdclocalplan.org/wp-content/uploads/2018/08/EB715-Epping-Forest-Visitor-Survey-Footprint-Ecology.pdf>

EB716/ Epping Forest Visitor Survey 2019. See <https://www.efdclocalplan.org/wp-content/uploads/2021/02/EB716-Epping-Forest-visitor-report-2019-030221.pdf>

**Risk Management:** Risks to the Council in not adopting the Partnership Agreement would be the failure to comply with the Council's legal duty under the Habitats Regulations and prevention from determining planning applications and applications for prior approval under permitted development.

**DATED 2022**

Epping Forest District Council

and

London Borough of Enfield

and

London Borough of Newham

and

London Borough of Redbridge

and

London Borough of Waltham Forest

and

Mayor Commonalty and Citizens of the City of London

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**Epping Forest SAC SAMM Strategy**

**Partnership Agreement**

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This agreement is made the day of **DATE** between:

**Epping Forest District Council (as partner to the Agreement)**

Civic Offices  
323 High Street  
Epping, CM16 4BZ

**London Borough of Enfield (as partner to the Agreement)**

Civic Centre  
Silver Street  
London, EN1 3XA

**London Borough of Newham (as partner to the Agreement)**

328 Barking Road  
London, E6 2RP

**London Borough of Redbridge (as partner to the Agreement)**

255-259 High Road  
Ilford, IG1 1NN

**London Borough of Waltham Forest (as partner to the Agreement)**

Waltham Forest Town Hall  
Forest Road  
London, E17 4JF

**City of London Corporation (as Delivery Body only)**

Guildhall  
PO Box 270  
London, EC2P 2EJ

## RECITALS

- (A) The Parties to this Partnership Agreement are all Local Authorities who have joined together to continue certain activities as a partnership for the purposes set out in this Partnership Agreement (save for the Mayor Commonalty and Citizens of City of London (“the CoL”) which joins in this Governance Agreement in its capacity as Conservator of Epping Forest pursuant to the Epping Forest Act 1878 and as Delivery Body pursuant to this Partnership Agreement)
- (B) The Parties wish to co-operate over the implementation of the Epping Forest SAMM Strategy as described in more detail in Schedule 1 (“the Epping Forest SAMM Strategy”).
- (C) This Partnership Agreement sets out the relationship between the Parties, the governance arrangements, and the organisation of the work.

## IT IS HEREBY AGREED AS FOLLOWS:-

### 1. DEFINITIONS

1.1 In this Partnership Agreement, the following terms shall have the following meanings:

“Background IPR”	means all patents, designs, copyright (including copyright in software), database rights, and any other intellectual property rights excluding Foreground IPR, owned by any of the Parties, in the field and which are necessary for the exploitation of Foreground IPR in accordance with this Partnership Agreement.
“Business Day”	means any day other than a Saturday or Sunday or a public or bank holiday in the United Kingdom.
“City of London” or “CoL”	Refers to the City of London Corporation, who will act as the Delivery Body for this Strategic Access Management and Monitoring Programme.
“Commencement Date”	means the <b>XXX 2022</b> .
“Confidential Information”	means all information that is marked as Confidential and that is disclosed by one Party to the others for the purpose of conducting the Project, including, without prejudice to the generality of the foregoing, any ideas; finance; financial, marketing, development or manpower plans; computer systems and software; products or services, including but not limited to know-how and information concerning relationships with other parties and all records, reports, documents, papers and

	other materials whatsoever originated pursuant to this Partnership Agreement.
“Delivery Body”	means the body appointed by the parties to run the day-to-day operation of the Project, in this case referred to as CoL throughout this document.
“Developer Contribution”	means a payment a developer is required to make to its Local Planning Authority (in compliance with Conservation of Habitats and Species Regulations 2017/1012) in respect of consent for each new dwelling which is likely to have a significant impact on a natural habitat, the amount of which is set out in Schedule 2 of this Agreement
“Epping Forest SAC SAMM Strategy”	means the strategy which aims to deliver the mitigation necessary to avoid adverse effects on integrity from the impacts of any net increase in dwellings which will result in an increase of recreational disturbance to Epping Forest Special Area of Conservation thus protecting the site from adverse effects on integrity in accordance with the Programme of Investment and the Project Deliverables and as set out at Schedule 1 and as may be amended by agreement through the mechanisms set out in the clauses of this Partnership Agreement.
“Epping Forest Special Area of Conservation” or “Epping Forest SAC”	Epping Forest is a statutory designated site, which is protected under the Habitats Regulations, and which this Strategy is designed to protect.
“Local Planning Authority” or “LPA”	means the local authority whose duty it is to carry out specific planning functions for a particular area.
“Nominated Representative”	means a member/s of staff/other representative appointed by a Partner to attend the Technical Oversight Group meetings.
“Qualifying Development”	means development which is likely to have a significant impact on the Epping Forest Special Area of Conservation and is required to contribute toward the delivery of SAMMs measures.
“Partner”	means a local authority member of the Partnership
“Party/Parties”	means a local authority (ies) which is a signatory to this agreement as a member of the Partnership and CoL as Delivery Body.
“Partnership”	means the Partners collectively
“Partnership Agreement”	Means this Agreement, that has been agreed and signed by the partnership local authorities and the CoL as the Delivery Body

“Personnel”	means any employee, director, agent, subcontractor or other person engaged by a Party.
“Programme”	means the joint initiative as set out in this Partnership Agreement for securing the Project Deliverables.
“Programme of Investment”	means the arrangements established by the Delivery Body and approved by the Technical Oversight Group for the holding, allocation and investment of SAMM Contributions paid to the Delivery Body in accordance with the principles set out in Schedule 3 as may be varied from time to time by agreement between the Parties or by decision of the Technical Oversight Group.
“Project Deliverables”	means the measures to be funded by the Partnership (by which the Epping Forest SAMM Strategy aims to deliver the mitigation necessary to avoid adverse effects on integrity from the impacts of any net increase in dwellings which will result in an increase of recreational disturbance to Epping Forest SAC thus protecting the site from adverse effects on integrity) as set out in Schedule 1 (The Epping Forest SAMM Strategy) and as may be varied in agreement between the Parties or by decision of the Technical Oversight Group.
“SAMM”	means Strategic Access Management and Monitoring. These are the measures that will be implemented within Epping Forest SAC to manage and monitor the impacts of visitors.
“SAMM Contribution”	means the Developer Contributions received by a Party payable to the Delivery Body in accordance with Schedule 2.
“Sub-group of the Cooperation for Sustainable Development Officer Group”	refers to the group of senior officers from each of the signatory Local Plan Authorities that any disputes will be escalated, if they cannot be resolved through mediation with Natural England.
“Technical Oversight Group”	means the chaired group meetings comprised of representatives of the Parties (and such technical experts as the Parties may appoint) whose Terms of Reference are detailed in Schedule 4, with Natural England attending as statutory adviser on the SAC and the Delivery Body attending as an observer, to provide technical advice and reports on Project Deliverables.
“Zone of Influence”	refers to the zone within which any new residential development will have an in-combination impact on recreational pressure

	on Epping Forest SAC. Currently, as at the signing of the Agreement in 2022, this stands at 6.2km based on data collected in the 2017 and 2019 visitor surveys.
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1.2 Headings contained in this Partnership Agreement are for reference purposes only and shall not be deemed to be an indication of the meaning of the clause to which they relate.

1.3 Where the context so implies, words importing the singular number shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa.

## 2. GOVERNANCE ARRANGEMENTS

2.1 The Parties agree that the CoL will be the Delivery Body and authorises it to sign agreements in relation to the implementation of the agreed and approved deliverables of the SAMM programme. To optimize the function of the Partnership, the Parties shall permit the Delivery Body to procure external services in accordance with the Public Contracts Regulations 2015 and the Delivery Body's internal Contract and Procurement Rules (as set out in the 'City of London Procurement Code Part One: Rules' attached at Appendix 1, any changes to these Rules will be communicated by the Delivery Body to the Technical Oversight Group). The Delivery Body will provide financial systems and processes to enable the efficient and transparent implementation of the Epping Forest SAC SAMM Strategy. The Delivery Body will provide the Technical Oversight Group with regular business plans and financial statements. This should include a year-end statement of account for the financial reporting period 1<sup>st</sup> April – 31<sup>st</sup> March and be provided by 30<sup>th</sup> September each year.

2.2 The CoL as the Delivery Body will submit a Programme of Investment, with input from and for approval by the Technical Oversight Group. The Programme of Investment shall be reviewed and amended in writing from time to time as the Parties consider appropriate and as may be agreed by the Technical Oversight Group. Further financial details can be found in Schedule 3.

2.3 The parties shall agree an allocation formula for the SAMMs Contributions across the partners to be collected from all relevant development for the benefit of the Partnership.

2.4 The Parties acknowledge their intention that Natural England as statutory adviser would be requested to continue to take on the responsibility of organising the Technical Oversight Group, and chairing meetings that take place unless alternative agreements are made or should Natural England review its involvement.

## 3. PURPOSE OF THE PARTNERSHIP

The purpose of the Partnership is:

- to specify the organisation of the work between the Parties in implementing the Programme and to set out the rights and obligations of the Parties;
- ensure the implementation of the Programme in accordance with the SAMM Delivery Flowchart at Schedule 5 and the Epping Forest SAMM Strategy at Schedule 1 to produce the Project Deliverables as described in Schedule 1; and
- establish and adhere to the governance structure set out in this Partnership Agreement to ensure the Project is delivered.

## 4. COMMENCEMENT AND DURATION

4.1 This Partnership Agreement shall commence on the Commencement Date. A review of the Agreement shall be undertaken and completed within five years of the Commencement Date. Any changes to this Agreement, as a result of the review, may be agreed in writing between all the parties.

## 5. OVERRIDING CONDITIONS

5.1 All Parties have a responsibility to contribute towards and properly perform their roles and responsibilities in accordance with this Partnership Agreement and the Epping Forest SAMM Strategy as detailed in Schedule 1.

5.2 It is the intention that the Partners shall be responsible and liable in equal shares for all legal, professional and financial advice procured under this Partnership Agreement, including by the Technical Oversight Group.

5.3 The Partners shall provide a forecast of annual income to the Delivery Body and Technical Oversight Group by 31<sup>st</sup> December each year based on the amount of qualifying development that was commenced in the preceding 1<sup>st</sup> April – 31<sup>st</sup> March reporting year, in order to inform the programme of work for the next financial year.

5.4 With regard to responsibility and liability for shared costs, the SAMM contributions are detailed in Schedule 2 of this Agreement. If Parties leave or join the Partnership, costs will be recalculated, with the amount/s to be determined at that time having had regard to the principles applied to the apportionment of those shared costs as they relate to mitigating any adverse effects on the Epping Forest Special Area of Conservation.

## 6. PROJECT MANAGEMENT

### 6.1 Technical Oversight Group

The details of the Technical Oversight Group including purpose, membership, governance, functions and procedures are set out in the Technical Oversight Group Terms of Reference at Schedule 4 to this Partnership Agreement.

### 6.2 Responsibilities of the Technical Oversight Group

#### 6.2.1 Project Oversight

The Technical Oversight Group shall be responsible for ensuring the delivery of the Project Deliverables by the Delivery Body and to this end will keep the proposals for implementation and progress towards meeting it, under review.

#### 6.2.2 Appointment of Delivery Body

6.2.2.1 The Partner Authorities hereby appoint the CoL as the Delivery Body for the Epping Forest SAMM Strategy. The Delivery Body will have responsibility for a Programme of Investment and the day-to-day management and implementation of the Project and of the agreed Project Deliverables (subject to the receipt of the SAMM Contributions and availability of SAMM Contributions for expenditure on the Project Deliverables in accordance with Schedule 2 and the Programme of Investment). The Delivery Body will hold and/or invest the SAMM Contributions paid to it in accordance with Schedule 3 and report to the Technical Oversight Group in accordance with Schedule 4 and Clause 2.1 above).

6.2.2.2 The cost of funding the works of the Delivery Body will be met by the SAMM Contributions. The Delivery Body will not be expected to fund the costs of managing the implementation and monitoring of the Project, or the Programme of Investment or the Project Deliverables from its own resources.

6.2.2.3 For the avoidance of doubt the breakdown of the proposed measures and costs of the Project is set out in Schedule 1. This includes the professional and administrative costs incurred by the Delivery Body in undertaking its responsibilities under this Agreement, including the responsibilities relating to financial systems, processing, accounting, business planning and reporting in Clause 2.1 of this Agreement and its responsibilities in respect of the Programme of Investment. The Partners shall transfer money to the Delivery Body in accordance with the Terms set out in Schedule 3.

### 6.2.3 Financial Management

6.2.3.1 The Parties shall be responsible for holding and administering the SAMM Contributions until such time as they are paid to the Delivery Body (as under the Terms of Schedule 3).

6.2.3.2 The SAMM Contributions must be available to spend on or invest for the purposes of the Project Deliverables (subject to and in accordance with Schedule 1) and will be sent every six months (on 28<sup>th</sup> February and 31<sup>st</sup> August) from each Party to the Delivery Body unless otherwise agreed between the Party and the Delivery Body. Each Party will be responsible for monitoring contributions received and forecasting their future SAMM Contribution income in accordance with Schedule 2 to this agreement.

6.2.3.3 The Technical Oversight Group may choose to take financial advice from third parties as required.

6.2.3.4 SAMM contributions will be index linked. The Programme of Investment and the Project Deliverables will be reviewed each year in terms of costings. For physical measures this shall be in line with the most up to date version of the Spon's External Works and Landscape Price Book (or other industry recognised standard in its absence). Staff costs as set out in the SAMM Strategy will be increased in line with any annual pay increase and changes to pension and national insurance contributions required by the Delivery Body. The increase in the SAMM Contribution will be agreed and set in March each year and brought into effect on the 1<sup>st</sup> of April each year. Where there is a shortfall / deficit in the SAMM Contribution as a result of the final costs being above the relevant contribution by a Party, it will be the responsibility of the Delivery Body to raise this matter with the Oversight Group, within a period of 12 months. Decisions, including any required revisions of projects, can then be made for the benefit and continuity of the overall mitigation project, and so that no particular Partner, nor the Delivery Body, becomes financially liable.

6.2.3.5 The Partners agree to levy a SAMM Contribution in accordance with Schedule 2 of this Partnership Agreement on all qualifying development.

6.2.3.6 The Partners agree that they will pay the SAMM Contribution to the Delivery Body in accordance with Schedules 2 and 3 upon being satisfied that qualifying development has commenced in accordance with the relevant Permission and legal obligations or any other local authority funding mechanism which equates to the financial value that would be generated using the tariff.

6.2.3.7 Where there is a shortfall / deficit in the SAMM Contribution as a result of the non-collection of a relevant contribution by a Party to this agreement it will be the responsibility of the individual Partner Authority to make good such shortfall and not the Delivery Body or

other Partner Authorities. Such liability will only arise where the individual partner authority in question is not making reasonable endeavours to pursue the non-payment from the party who has obligation to pay the Partner Authority.

6.2.3.8 In the event the SAMM Contribution is not spent or invested in accordance with the requirements of this Agreement by the Delivery Body and a refund is required then the Delivery Body will be liable to repay the monies to Partners in line with the percentage apportionment set out in Schedule 2.

6.2.3.9 The Technical Oversight Group, having had regard to regular advice from the Delivery Body in relation to the appropriate and realistic timing of Project Deliverables, will be responsible for determining an appropriate apportionment between the spending of and investment of the SAMM Contributions, in line with the Programme of Investment and Project Deliverables (as outlined in Schedule 1). In the case of disagreement, Natural England, as a neutral party, will be requested to mediate the deliberations and propose a resolution for decision by the group. If a decision cannot be reached, this will be escalated, in line with the process set out in Section 14.

#### 6.2.4 Publications and Press Releases

6.2.4.1 The Technical Oversight Group in discussion with the Delivery Body shall decide procedures for dissemination of publications and press releases, joint or otherwise, relating to the Project.

#### 6.3 Technical Oversight Group Meetings

6.3.1 The Technical Oversight Group shall meet on a quarterly basis in accordance with the Technical Oversight Group Terms of Reference at Schedule 4. The frequency of meetings may be reduced at any time in accordance with the Technical Oversight Group Terms of Reference. Meetings will operate under the conditions outlined in Schedule 4.

#### 6.4 Responsibilities of Individual Members of the Technical Oversight Group

6.4.1 In addition to the Technical Oversight Group's collective responsibility, individual members of the Technical Oversight Group will have specific responsibilities as determined by the Technical Oversight Group from time to time as set out in the Terms of Reference at Schedule 4.

### **7. PROJECT RESOURCES**

#### 7.1 Allocation

The total SAMM Contributions to be paid by the Partner to the Delivery Body will be set out in Schedule 2 and are to be adopted by the Partners as a material consideration in the determination of planning and development related applications.

#### 7.2 Invoicing/Claims

7.2.1 Any changes to the Delivery Body's Contract and Procurement Rules will be reviewed at the earliest opportunity by the Technical Oversight Group to determine if they remain appropriate for the Project Deliverables.

### **8. RESPONSIBILITIES OF THE PARTIES**

#### 8.1 Performance

8.1.1 Each Party undertakes to each other Party to perform and fulfil on time the tasks assigned to it by the Technical Oversight Group and all other of its obligations under this Partnership Agreement.



8.1.2 Each Partner hereby undertakes to supply promptly to the Delivery Body all such information or documents as the Delivery Body and the Technical Oversight Group need to fulfil obligations pursuant to this Partnership Agreement.

8.1.3 Each Partner undertakes to each other Partner and to the Delivery Body to:

- notify each of the other Parties as a Party becomes aware of any significant delay in performance; or a significant change in a Parties ability to meet its funding and other commitments under this Partnership Agreement.
- inform other Parties of relevant communications and planning decisions it receives from third parties in relation to the Project e.g. planning appeals and Local Plan examination Inspector correspondence.

8.1.4 Each Party shall use all best efforts to ensure the accuracy of any information or materials it supplies hereunder and promptly to correct any error therein of which it is notified.

8.1.5 Subject to clause 6.2.4 of this Partnership Agreement each Party agrees not to issue any press releases or other such publicity materials relating to the work of the Partnership without obtaining prior approval from the other Parties.

## 8.2 Warranties and Undertaking

8.2.1 Each Partner warrants that under its contractual relationships with each of its Personnel, any intellectual property rights arising out of or relating to work done by the Personnel for the Party will vest in such Party and that the Personnel will have no right, title or interest, whether legal or beneficial, in any such intellectual property rights. A Partner shall, if so required by the Technical Oversight Group, produce written evidence of this to the Technical Oversight Group signed by its Personnel.

8.2.2 Each Partner acknowledges that it is and shall remain liable for the consequences of any failure on its part or on the part of its Personnel to fulfil the tasks and work packages assigned to it under this Partnership Agreement and shall accordingly:

8.2.2.1 Procure and maintain its own insurance, with insurers of good repute, to cover its own liabilities and those on behalf of its Personnel;

8.2.2.2 Comply and assist the Partnership, the Technical Oversight Group and the Delivery Body in complying with all relevant statutes, laws, regulations and codes of practice relating to its tasks and work packages from time to time in force;

8.2.2.3 Comply with all recommendations and requirements of its insurers; and

8.2.2.4 Indemnify, keep indemnified and hold harmless the other Parties from and against all costs (including the costs of enforcement), expenses, liabilities, injuries, direct, loss), damages, claims, demands, proceedings or legal costs (on a full indemnity basis) and judgments which they incur or suffer as a result of a breach of this Partnership Agreement or negligent acts or omissions or wilful misconduct of the Party and/or its Personnel including without limitation any resulting liability the Partnership has to the funder or to any third party.

8.2.3 Each Party agrees and undertakes at its own expense to make the Nominated Representative available to attend the Technical Oversight Group.

8.2.4 Each Partner shall provide the Technical Oversight Group with statements of SAMM Contributions received every six months.

## 9. ADDITION OF PARTIES TO THE PARTNERSHIP

9.1 Other local authorities may be invited to join the Partnership following any reviews of the Zone of Influence of Epping Forest SAC (which would be determined by further visitor surveys run to the specifications, methodology and analysis approved by Natural England and agreed by the parties), only by the unanimous decision of the Parties and on the condition that the new local authority becomes a Partner to this Partnership Agreement.

## 10. REMOVAL OR WITHDRAWAL OF PARTIES FROM THE PARTNERSHIP

### 10.1 Removal of Parties

10.1.2 Without prejudice to any other rights or remedies open to the Partnership, the Parties may, after a two-thirds majority vote of all Parties in favour of termination, ratified and via a written notice served on the Party, terminate a Party's membership of the Partnership, if the Party:

10.1.2.1 Is in material breach of any of the terms of this Partnership Agreement and, where the breach is capable of remedy, the Party fails to remedy such breach within 30 days' service of a written notice specifying the breach and requiring it to be remedied; or

10.1.2.2 In the opinion of a majority of the Technical Oversight Group, is incompetent, commits any act of gross or persistent misconduct and/or neglects or wilfully omits to perform any of its duties or obligations under this Partnership Agreement; or

10.1.2.3 Fails or refuses after written warning from the Technical Oversight Group to carry out the duties or obligations reasonably and properly required of it under this Partnership Agreement; or

- ceases to operate its business or undertaking;
- Intentionally provides the Technical Oversight Group with any false or misleading information with regard to its ability to perform its duties or obligations under this Partnership Agreement; or
- has done anything which brings or might reasonably be expected to bring the Parties or the Project into disrepute or otherwise damage other contractors, employees, agents, customers, other business associates or the general public including, but not limited to, committing an act of fraud or dishonesty, whether or not connected with the Project.
- Any monies already collected from the party will be held by the Delivery Body, and a review of the SAMM contributions going forward will be undertaken by the Technical Oversight Group alongside the Delivery Body.

## 11. DATA MANAGEMENT

### 11.1 Data Collection

In the course of the Project, each Party, as well as the Delivery Body, may be involved in the production and collection of data such as surveys or questionnaires. Data produced or collected by any Party which that Party considers relevant to the Project will be notified to the Technical Oversight Group and made available to the other Parties on request. Each Party agrees to ensure that all data made available pursuant to this clause is anonymised where possible, and where this is not possible and personal data is processed to ensure the personal data is accompanied by any necessary consents. It is acknowledged by the Parties that where personal data is shared pursuant to this clause, prior to gathering the data, the data subject must be expressly informed in writing that the data will be shared.

## 11.2 Data Protection

Each Partner agrees to sign a Data Controllers Agreement and a Data Processing Agreement prior to processing personal data for the purposes of the Project, in the event that any personal information needs to be shared or processed between Partners. The CoL as Delivery Body would not be involved in processing or retaining any personal data related to the SAMM Programme or its Project Deliverables.

## 11.3 Freedom of Information

11.3.1 The Partnership acknowledge that the Partners are all subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and they shall assist and cooperate with each other, and the CoL as Delivery Body shall also assist as required, to enable them to comply with their information disclosure obligations.

11.3.2 A Partner in receipt of a request for information shall be responsible for determining in its absolute discretion and notwithstanding any other provision in this Partnership Agreement or any other contract whether the confidential and /or any other information is exempt from disclosure in accordance with the (FOIA) or the (EIR).

## **12. CONFIDENTIALITY**

12.1 Each Party hereby undertakes to the other Parties that it shall procure that its employees, agents and sub-contractors shall:

12.1.1 Keep confidential all information of a confidential nature (whether written or oral) concerning this Partnership Agreement and the business affairs of another Party that it shall have obtained or received as a result of the discussions leading up to or entering into or performance of this Partnership Agreement (the "Information");

12.1.2 Not without the prior written consent of the relevant other Party disclose the Information either in whole or in part to any other person save those of its employees, agents and sub- contractors involved in the implementation or evaluation of the Project who have a need to know the same for the performance of their duties;

12.1.3 Use the Information solely in connection with the implementation of the Project and not otherwise for its own benefit or the benefit of any third party.

12.1.4 These provisions above shall not apply to the whole or any part of the Information to the extent that it can be shown by the receiving Party to be:

12.1.4.1 Known to the receiving Party prior to the date of this Partnership Agreement and not obtained directly or indirectly from any other party; or

12.1.4.2 Obtained from a third party who lawfully possesses such Information which has not been obtained in breach of a duty of confidence owed to any party by any person; or

12.1.4.3 In the public domain in the form in which it is possessed by any other party other than as a result of a breach of a duty of confidence owed to such other party by any person; or

12.1.4.4 Required to be disclosed by legal process, law or regulatory authority.

12.2 Each Party hereby undertakes to the other Parties to make all relevant employees, agents and subcontractors aware of the confidentiality of the Information and provisions of this clause and without prejudice to the generality of the foregoing to ensure compliance by such employees, agents and sub-contractors with the provisions of this clause.

### 13. TERMINATION

13.1 This Agreement may be terminated at any time by the unanimous written agreement of the Parties where there is a material change in circumstances, policy, legislation which renders the Partnership unworkable or where it is no longer required for the purpose for which it was established.

13.2 The termination of this Partnership Agreement, howsoever arising, is without prejudice to the rights, duties and liabilities of the Parties accrued due prior to termination and in relation to the protection of the Special Area of Conservation as determined by the Habitat Regulations (as amended) or any successor legislation. The provisions in this Partnership Agreement which expressly or impliedly have effect after termination shall continue to be enforceable notwithstanding termination. In the event of termination the SAMMs Contribution as shall have been paid to the Delivery Body shall remain with the Delivery Body for expenditure in accordance with this Agreement or otherwise for the protection of the Epping Forest Special Area of Conservation from increased recreational disturbance.

### 14. GOVERNING LAW AND DISPUTE RESOLUTION

14.1 This Partnership Agreement shall be governed by and construed in accordance with English law and the Parties irrevocably agree that any dispute arising out of or in connection with this Partnership Agreement will be subject to and within the jurisdiction of the English courts.

14.2 All Parties shall each be under a general obligation to use all reasonable endeavours to negotiate in good faith and to settle amicably any dispute of whatever nature arising in connection with this Partnership Agreement. If the Parties are unable to resolve a dispute(s) in an informal manner the dispute will be escalated by referring to a sub-group of the Cooperation for Sustainable Development Officer Group for resolution. This sub-group will consist of a nominated Senior Manager from each of the signatory LPAs, as listed below:

- Epping Forest District Council – Planning Service Director
- Enfield – Head of Planning
- Newham – Director of Planning and Development/Chief Planner
- Redbridge – Head of Planning and Building Control
- Waltham Forest – Director of Planning

14.3 Having followed the procedure set out in clause 14.2 and the dispute in question has not been resolved where the Parties agree that a dispute arising out or in connection with this Partnership Agreement would best be resolved by the decision of an expert, they will agree upon the nature of the expert required and together appoint a suitable expert by agreement.

14.4 Any person to whom a reference is made under Clause 14.3 shall act as an expert and not as an arbitrator and their decision (which shall be given by them in writing and shall state the reasons for their decision) shall be final and binding on the Parties except in the case of manifest error or fraud.

14.5 Each Party shall provide the expert with such information and documentation as they may reasonably require for the purposes of his decision.

14.6 The costs of the expert shall be borne by the Partners in such proportions as the expert may determine to be fair and reasonable in all circumstances or, if no determination is made by the expert, by the Partners in equal proportions.

## 15. GENERAL PROVISIONS

### 15.1 Sole Agreement

Subject to Clause 5, this Partnership Agreement contains all the terms which the Parties have agreed in relation to the subject matter of this Partnership Agreement and supersede any prior written or oral agreements, representations or understandings between the Parties relating to such subject matters. No Party to this Partnership Agreement has been induced to enter into this Partnership Agreement by a statement or promise which it does not contain save that this clause shall not exclude any liability which one Party would otherwise have to the other in respect of any statements made fraudulently by that Party.

### 15.2 Schedules

The Schedules shall have the same force and effect as if expressly set in the body of this Partnership Agreement and any reference to this Partnership Agreement shall include the Schedules.

### 15.3 Waiver

No failure or delay by any Party to exercise any right, power or remedy will operate as a waiver of it nor will any partial exercise preclude any further exercise of the same, or of some other right, power or remedy.

### 15.4 Severability

If any clause or part of this Partnership Agreement is found by any court, tribunal, administrative body or authority of competent jurisdiction to be illegal, invalid or unenforceable then that provision shall, to the extent required, be severed from this Partnership Agreement and shall be ineffective without, as far as is possible, modifying any other clause or part of this Partnership Agreement and this shall not affect any other provisions of this Partnership Agreement which shall remain in full force and effect.

### 15.5 Force Majeure

No Party will be deemed to be in breach of this Partnership Agreement, nor otherwise liable to the other for any failure or delay in performance of this Partnership Agreement if it is due to any event beyond its reasonable control other than strike, lock-out or industrial disputes but including, without limitation, acts of God, war, fire, flood, tempest and national emergencies and a Party so delayed shall be entitled to a reasonable extension of time for performing such obligations.

### 15.6 Assignment

Save as permitted for under this Partnership Agreement, neither this Partnership Agreement nor any of the rights and obligations under it may be sub-contracted or assigned by any Party without obtaining the prior written consent of the other Parties. In any permitted assignment, the assignor shall procure and ensure that the assignee shall assume all rights and obligations of the assignor under this Partnership Agreement and agrees to be bound to all the terms of this Partnership Agreement.

### 15.7 Variation

This Partnership Agreement may be amended at any time by written agreement of the Parties. No variation to this Partnership Agreement shall be effective unless in writing signed by a duly authorised officer of each of the Parties.

### 15.8 Notice

Any notice in connection with this Partnership Agreement shall be in writing and may be delivered by hand, pre-paid first class post or Special Delivery post (but not by e-mail), addressed to the recipient at its registered office or its address or as the case may be (or such other address, or as may be notified in writing from time to time).

The notice shall be deemed to have been duly served:

15.8.1 if delivered by hand, when left at the proper address for service;

15.8.2 if given or made by prepaid first-class post or Special Delivery post, 48 hours after being posted or in the case of Airmail 14 days after being posted (excluding days other than Business Days); provided that, where in the case of delivery by hand, such delivery occurs either after 4.00 p.m. on a Business Day, or on a day other than a Business Day, service shall be deemed to occur at 9.00 a.m. on the next following Business Day (such times being local time at the address of the recipient).

### 15.9 Rights of Third Parties

It is agreed for the purposes of the Contracts (Rights of Third Parties) Act 1999 that this Partnership Agreement is not intended to, and does not, give to any person who is not a party to the Agreement any rights to enforce any provisions contained in this Partnership Agreement except for any person to whom the benefit of this Partnership Agreement is assigned in accordance with clause 15.6 (Assignment).

### 15.10 Counterparts

This Partnership Agreement may be executed in one or more counterparts and any Party may enter into this Partnership Agreement by executing a counterpart. Any single counterpart or set of counterparts executed in either case by all the Parties shall constitute one and the same agreement and a full original of this Partnership Agreement for all purposes.

IN WITNESS whereof the Parties hereunto have affixed their Common Seal the day and year first before written

THE COMMON SEAL of EPPING FOREST  
DISTRICT COUNCIL was hereunto affixed  
to this deed in the presence of:

THE COMMON SEAL of ENFIELD  
LONDON BOROUGH COUNCIL was  
hereunto affixed to this Deed in the  
presence of:

THE COMMON SEAL of NEWHAM  
LONDON BOROUGH COUNCIL was  
hereunto affixed to this Deed in the  
presence of:

THE COMMON SEAL of REDBRIDGE  
LONDON BOROUGH COUNCIL was  
hereunto affixed to this Deed in the  
presence of:

THE COMMON SEAL of WALTHAM  
FOREST LONDON BOROUGH COUNCIL  
was hereunto affixed to this Deed in  
the presence of:

THE COMMON SEAL of  
MAYOR COMMONALTY AND  
CITIZENS OF THE CITY OF  
LONDON was hereunto affixed  
to this deed in the presence of:



## SCHEDULE 1 – Epping Forest SAMM Strategy

### 1. **Background**

- 1.1 Epping Forest is London's largest open space, covering 2,400 hectares. Epping Forest Special Area of Conservation (EF SAC) covers 1,600 hectares of Sites of Special Scientific Interest (SSSI) within Greater London and Essex.
- 1.2 The SAC is designated for three Annex I habitats (Northern Atlantic wet heaths, European dry heaths, and Atlantic acidophilous beech forests), as well as one Annex II species (Stag Beetle). The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland, and scattered wetland. The woodland represents one of the largest continuous semi-natural blocks in the country, characterised by groves of over-mature pollards. The plains contain a variety of unimproved acid grasslands uncommon elsewhere in Essex and the London Area. The Forest supports a nationally outstanding assemblage of invertebrates, major amphibian interest and an exceptional breeding bird community. The Forest lies on a ridge of London clay overlain in places by Claygate Beds, and in the highest areas by Bagshot Sand and Pebble Gravel. The varied geology gives rise to a mosaic of soil types from neutral soils to acidic loams and from impervious clays to well-drained gravels. To a large extent the soil patterns have dictated the pattern of vegetation. Historically Epping Forest was managed as wood-pasture through pollarding, which declined during the 19th century and eventually ceased in 1878 under the Epping Forest Act. Recently pollarding has been reinstated in some places.
- 1.3 The Forest is managed by a team of Forest Keepers, grounds and other staff led by a Superintendent. It is patrolled 365 days a year by Forest Keepers whose role is to assist the public to enjoy the Forest safely and protect the Forest from inappropriate damage or abuse. The Forest Keepers are also attested constables and enforce the Epping Forest byelaws. If necessary, this includes prosecuting byelaw infringement cases in the Magistrates Court.
- 1.4 SACs are protected in UK law by the Habitats Regulations (2017)<sup>1</sup>. Under the Habitats Regulations, development proposals must not give rise to adverse effects on the integrity of the SAC, either alone or in combination with other plans and projects, and if they are likely to, measures must be secured to remove this impact, otherwise the Competent Authority is obliged to refuse permission (subject to the exception tests set out in Regulation 64 (1)).

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<sup>1</sup> The Conservation of Habitats and Species Regulations, 2017

1.5 The legislation sets out that a Habitats Regulation Assessment (HRA) must be undertaken where a land use plan, either alone or in combination, is likely to have a significant effect on an internationally important site. This applies to Local Plans produced by local authorities, as well as Neighbourhood Plans produced by local communities. Such plans set out a broad quantum of housing growth. HRA work must therefore consider the overall impacts of such growth – in combination with neighbouring authorities – and where there are any likely significant effects, adverse effects must be ruled out (subject to the same exception tests mentioned in 1.4).

## **2 Concerns relating to recreational pressure**

2.1 Epping Forest provides an attractive, extensive area of open semi-natural habitat close to London. As such it is a popular destination for recreation and provides an important function as a greenspace. There are 47 car parks and four visitor centres and estimates of visitor use indicate around 4.2million visitors visit the forest each year.<sup>2</sup> Since Epping Forest was entrusted to the City of London, the provision of the space for public recreation and enjoyment has been a legal obligation and one of the key priorities for the Conservators. There is however a considerable challenge to balance the needs of the high (and growing) numbers of visitors with the natural aspect of the Forest and the nature conservation interest. There are a number of potential ways recreation could have an impact on the nature conservation of the site. These include:

- Eutrophication from dog fouling;
- Trampling/wear, leading to soil compaction, vegetation wear, erosion and damage to veteran tree roots;
- Increased fire risk (and potentially difficulties in access for emergency vehicles if gates etc. are blocked);
- Difficulties in establishing the best grazing management due to interactions between visitors and livestock;
- Direct damage to veteran trees, for example from climbing on them;
- Harvesting, for example fungi, deadwood;
- Disturbance to invertebrates and other wildlife;
- Spread of disease;
- Spread of alien plants;
- Staff time taken away from necessary management due to the need to deal with vandalism, breaches of byelaws etc.; and
- Direct damage and vandalism of infrastructure.

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<sup>2</sup> This figure is from the Management Plan Consultation in 2014.

### 3 Evidence of Visitor Pressure at Epping Forest

- 3.1 Existing Visitor Survey information held by the Corporation of London relates to work undertaken between 2010 and 2014, when staff and volunteers worked together with specialist consultancy support to undertake a large amount of visitor survey work. The results are set out in annual reports and provide information on overall visitor numbers and the spatial distribution of access within Epping Forest but did not generate home postcodes from a robust sample of visitors.
- 3.2 Due to concerns over the impact of recreational pressure on Epping Forest SAC, Footprint Ecology were commissioned to carry out a Visitor Survey in 2017, and again in 2019. The 2017 Epping Forest Visitor Survey can be found [here](#), and the 2019 survey can be found [here](#), these set out the methodology used for the surveys, as well as the findings arising from it.
- 3.3 A 6.2km boundary extended around the SAC forms the Zone of Influence, this has been based on Visitor Surveys carried out in 2017 and 2019. The Zone of Influence was calculated based on the 75<sup>th</sup> percentile method, which calculates the distance from which 75% of visits originate from and is a recognised method for informing strategic solutions to manage recreational pressure nationwide.
- 3.4 The Zone of Influence involves multiple local authorities, of which seven each contribute over 2% of visits to the SAC. Housing delivery will lead to a significant rise in population within the boroughs and districts around Epping Forest SAC. Investigations of the visitor patterns of current residents around the SAC have shown that it is likely that this new population will also use the SAC for recreation. Both local evidence and that from other areas has demonstrated the damaging effects of human disturbance on the nature conservation interest of the site. Without appropriate and proportionate avoidance and mitigation measures, this will damage the features for which the SAC is designated and would be contrary to the Habitats Regulations. The boroughs which contribute over 2% of visits to the SAC (based on the 2019 visitor survey) and are signatories to this strategic agreement are as follows:
- Epping Forest District Council
  - London Borough of Waltham Forest
  - London Borough of Redbridge
  - London Borough of Enfield
  - London Borough of Newham
- 3.5 Due to the number of local authorities involved and the cumulative nature of the impacts (a result of many individual housing applications), a co-ordinated approach to the mitigation is necessary. A well-established Technical Oversight Group provides the vehicle for joint working between local authorities and other organisations responsible for protection of Epping Forest SAC. The

Technical Oversight Group includes Officer representation for each affected Local Authority together with City of London Conservators (as owners and managers of the site) and Natural England.

3.6 This has led to the development of this strategic approach encompassing:

1.1 A formal Governance Agreement between the Local Authorities within the Zone of Influence and the City of London as the Delivery Body for the mitigation programme

1.2 A programme of Strategic Access Management and Monitoring (SAMM) measures to mitigate the impact of new development

3.7 There is also a need for avoidance measures including Suitable Alternative Natural Greenspace, and a toolkit approach to infrastructure improvements that improve access and capacity of existing greenspaces. This approach is being dealt with by each local authority on an individual basis.

#### 4 SAMM Programme

4.1 The City of London Corporation, as Conservators of Epping Forest, commissioned a report in 2020 to undertake a detailed assessment of the Epping Forest Special Area of Conservation. The purpose of the report was to better understand the effects of recreational pressure on the Epping Forest SAC and the measures needed to avoid harm arising from current and predicted future growth in visitors on the Forest. The report provided an in-depth assessment and identified a range of costed measures. The report has provided guidance not only to the Conservators in terms of their responsibilities as the custodians of the Forest on behalf of the landowner (the City of London Corporation) but also to inform the development of this Strategy. The strategy laid out here supersedes the [2018 interim approach](#) to mitigation measures.

4.2 The proposed measures have been reviewed by several local authorities (in their role as competent authorities) and by Natural England (as the government's advisor for the natural environment in England). This has ensured that the measures identified in this Strategy are those necessary to mitigate the effects of future development on the Epping Forest SAC. As such they do not seek to address existing issues or include measures that are the responsibility of the landowner. As such the measures in Table 1 below are those for which financial contributions should be secured from all relevant development. The measures are compliant with the Habitats Regulations and accord with paragraph 57 of the National Planning Policy Framework 2021 as being:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 4.3 The measures provide a comprehensive approach to mitigating the effects of future development. There are three key strands as follows:
- **a site-wide approach** to physically manage additional ‘wear and tear’ on surfaced and unsurfaced tracks and paths, provision of enhancements to wayfinding and interpretation, and the on-going monitoring of ecological conditions and visitor usage;
  - **managing increased use of the three ‘visitor hubs.’** Their facilities act as ‘attractors’ and, as has been evidenced by the Visitor Surveys undertaken in 2017 and 2019, are used on a regular basis by residents. This places focused pressure on these parts of the Forest;
  - **on-going visitor engagement activities** to help raise awareness of the issues facing the Forest, to encourage ‘Forest-friendly’ behaviours (through on-site engagement with visitors and with local resident user groups) and to manage the use of ‘access pressure points’ by encouraging people to use different routes at times when some routes may temporarily be more vulnerable to over-use.
- 4.4 The Strategy also includes Project Manager support for the oversight of the Strategy’s implementation. This includes regular reporting back to the competent authorities to ensure that monies collected are being spent in accordance with the agreed strategy. The day-to-day management of this post will be undertaken by the Conservators and the funding of this post ensures that there is no cost-burden for the organisation recognising that this role is necessary to ensure the proper oversight of the implementation of the Strategy on behalf of the competent authorities.
- 4.5 Account has been taken of the need to ensure that these measures continue to be provided over the longer-term. This reflects the fact that new homes will result in additional visitors on an on-going basis. Consequently, the financial contributions being secured include an ‘in-perpetuity’ factor to ensure that the on-going management and maintenance of the measures is taken into account and is based on an 80 year period. This is considered to appropriately reflect the lifespan of the relevant developments.
- 4.6 The total cost of the proposed SAMM programme is £24,817,468. As detailed in Schedule 2, this sum is to be met through SAMM contributions from the five local authorities within 6.2km of the SAC who each contribute more than 2% of visitor numbers to the forest.

Table 1. Proposed Site wide measures and costings.

Proposal	Detail	Capital cost	Annual Maintenance	80 Year Cost	Further Comments
<b>Physical management of surfaced paths and tracks across other (non hub) SAC areas.</b>	Upgrades to surfaced paths and tracks to reflect expected visitor uplift	£30,000	£28,500	£2,310,000.00	Surfaced network amounts to over 38kms, repaired on a 10year cycle of up to 3800m2 per year to deal with increased need for path maintenance. These costs reflect a 20% proportion of the total cost reflective of the level of visitor uplift expected. Also includes £15,000 for upgrade in surfacing on one of the easy access paths within the forest.
<b>Physical management of unsurfaced paths and tracks across other (non hub) SAC areas.</b>	Management of paths that is required to deal with the expected visitor uplift	N/A	£6,000	£480,000.00	At least 93km of unsurfaced path network within the forest, as well as 41km of Public Rights of Way through the forest, with these paths either at or near capacity. Annual management of the wear and tear of these pathways is needed, including ditch reprofiling, culverting and vegetation cutting to ensure that they remain useable. As above, these costs represent 20% of the total projected annual cost, in line with the level of visitor uplift expected.
<b>Signage at transport nodes- Map and interpretation including installation</b>	Map and interpretation boards at Chingford, Loughton, Theydon Bois and Epping.	£10,000	N/A	£70,000.00	Need for greater waymarking at Transport Networks to engage with visitors to the forest. Signs have a 10 year lifespan, so need replacing seven times over 80 years.
<b>Interpretation roll out - forest wide</b>	Interpretation boards across the SAC areas	£35,200	N/A	£246,400.00	To improve engagement with visitors and greater awareness of Epping Forest SAC and its importance. Costings are given for 22 boards within the SAC. A1 orientation boards (£1,600 each), max 10-year-lifespan needing replacing seven times over 80 years.

<b>Visitor engagement campaigns</b>	Promotional materials to assist in engagement campaigns.	N/A	£10,000	£70,000.00	To encourage responsible behaviour of visitors to the forest. As communication methods are changing this will be reviewed by the Technical Oversight Group in terms of effectiveness.
<b>Cycle Map</b>	Cycle map to encourage visits.	£2,000		£16,000.00	Costings estimated on the basis that as with visitor engagement this will need to be revisited every 10 years.
<b>Mitigation Strategy Delivery Officer (Project Management and field monitoring experience)</b>	Overseeing the delivery of the SAMM project and also taking on providing briefing reports where appropriate to the oversight group		£57,000	£4,503,000	CoL Grade E – minimum grade for project managers and those managing teams of staff on technical issues. The salary is the 3 <sup>rd</sup> of six increments for this grade. Not the starting salary – as it is attempting to average the costs over in perpetuity, when it is expected that most officers would reach the top increment so be paid more than this salary but equally there would be turnover from new starters during the project. Breakdown of Total Cost: £36,070 salary, £4,020 Outer London Weighting, £12,919 on costs, £1,000 annual IT cost, £2,500 share of 2 x vehicle lease between team of 4, £300 annual mobile phone cost, £100 uniform provision, and replacement.
<b>Visitor surveys (incl for SAC, relevant SANGS and buffer lands) every 5 years</b>	Delivered by external consultants		N/A	£400,000.00	Needed to ensure that the governance agreement and mitigation strategy can be reviewed and updated accordingly.
<b>Forest Wide Ambassadors</b>	Provision of a ranger service across the SAC. Three rangers will be needed to ensure the full area can be covered, and to allow for a sufficient rota. Starting in year 2 having been recruited in year one by the MSDO.		£44,500	£3,515,500	CoL Grade C – This is the Forest Keepers grade and the basic grade for frontline technical officers and those engaging with the public and local communities. This role would involve both monitoring of recreational impact (which would require a knowledge of data collection) as well as a high level of community engagement skills. The salary is the 3 <sup>rd</sup> of the six

<b>Forest Wide Ambassadors</b>	Provision of a ranger service across the SAC. Three rangers will be needed to ensure the full area can be covered, and to allow for a sufficient rota. Starting in year 4 (2025-26).		£44,500	£3,426,500	increments for Grade C. It is not a starting salary, as it is attempting to average the costs over an in-perpetuity period – as with the MSDO it is expected that Ambassadors would reach the top increment but that there would also be turnover of staff.
<b>Forest Wide Ambassadors</b>	Provision of a ranger service across the SAC. Three rangers will be needed to ensure the full area can be covered, and to allow for a sufficient rota. Starting in year 6 (2027-28).		£44,500	£3,337,500	Breakdown of Total Costs (per Ambassador): £25,190 salary, £288 pending salary increase Dec 21, £4,020 Outer London Weighting, £10,867 on costs, £1,000 annual IT cost, £2,500 share of 2 x vehicle lease between team of 4, £300 annual mobile phone cost, £100 uniform provision, and replacement.
<b>Monitoring visitor impacts on soils and hydrology of SAC</b>	Baseline survey by year 2 and then every 4 years (£15,000 per survey). Also FPPs of main erosion areas every two years (£2,000 per survey).		N/A	£397,000.00	Necessary to ensure that the mitigation strategy can be updated as appropriate to reflect changes in pressure, and therefore impacts on the SAC.
<b>High Beach Hub Costings</b>	See Tables 2 and 3			£998,386.50	
<b>Spingford Hub Costings</b>	See Tables 2 and 3			£2,567,974.05	
<b>Leyton Flats Costings</b>	See Tables 2 and 3			£2,479,208.50	
		<b>TOTAL COSTS</b>		<b>£24,817,469.05</b>	



Table 2. Proposed Projects at each of the three hubs

Location	ID no. in LUC tables	Proposal	Capital Cost	Annual Maintenance Costs	80 Years Costs
High Beach	2	Surface and edging improvements to the signposted accessible footpath loop and realignment to avoid safety hazards posed by ancient trees	£59,355	£2,874	£289,275.00
High Beach	3	Redirect footfall and install fences encircling vulnerable ancient trees to reduce soil erosion and compaction	£14,375	£2,500	£214,375.00
High Beach	4	Signposted, unsurfaced 5km loop from Wellington Hill Car Park created with signage to avoid ancient trees. Wood pasture restoration to be focussed around new routes	£54,600	£3,720	£352,200.00
High Beach	9	Introduce traffic incursion measures along Manor Road to prevent car parking within the RPAs of ancient trees	£32,500	£425	£66,500.00
High Beach	1	Surfaced footpaths connecting Wellington Hill linear car park to the existing visitor centre	£10,080	£504	£50,400.00
Chingford	2	Surfaced route from Bury Lane car park to QE Hunting Lodge to act as the primary route bringing visitors from the parking area to the Visitor Centre and related facilities	£84,582	£4,229	£422,902.00
Chingford	5	Clearer waymarking and surfaced (self-binding gravel) route connecting the Bury Road car park with Connaught Water	£81,720	£4,086	£408,600.00
Chingford	6	Construction of a sealed surface path forming a route from Connaught Water to the Visitor Centre. Restoration of damaged areas alongside the path	£75,170	£3,209	£331,890.00
Chingford	15	Improve opportunities for recreational walking around golf course and improve links to Pole Hill viewpoint	£54,700	£3,235	£313,500.00
Chingford	13	Circular route signposted to Warren Pond	£6,875	£250	£26,875.00
Chingford	16	Landscape improvements, including hard surfacing and termination of paths	£360,000	£7,200	£936,000.00
Chingford	17	Control of parking outside the car park at Connaught Water	£25,000	£0	£25,000.00
Leyton Flats	4	Signage installation	£1,250	£250	£21,250.00

<b>Leyton Flats</b>	5	Improvements to established entry and exit points to Leyton Flats (Blue triangle) and development of a furniture strategy to rationalise furniture provision across the site	£150,000	£7,500	£750,000.00
<b>Leyton Flats</b>	6	Significant entrance improvements associated with the Whipps Cross 'mini-holland' scheme and access to Cow Pond	£23,300	£2,330	£209,700.00
<b>Leyton Flats</b>	8	Circular, surfaced trail, with boardwalks where necessary around Hollow Ponds	£285,840	£14,292	£1,429,200.00
		High Beach Costs	£170,910	£10,023	£972,750.00
		Chingford Costs	£688,047	£22,209	£2,464,767.00
		Leyton Flats Costs	£460,390	£24,372	£2,410,150.00
		Overall Costs	£1,319,347	£56,604	<b>£5,847,667.00</b>

Table 3. Proposed Hub costings including 15% design/consultancy fee

Area	Approx. Capital Cost	Design/consultancy fee (15%)	Total project implementation cost	Approximate Maintenance Cost	80-year total
<b>High Beach Hub</b>	£170,910.00	£25,636.50	£196,546.50	£10,023	<b>£998,386.50</b>
<b>Chingford Hub</b>	£688,047.00	£103,207.05	£791,254.05	£22,209	<b>£2,567,974.05</b>
<b>Leyton Flats Hub</b>	£460,390	£69,058.50	£529,448.50	£24,372	<b>£2,479,208.50</b>
<b>Total</b>	£1,319,347.00	£197,902.05	£1,517,249.05	£56,604.00	<b>£6,045,569.05</b>

4.7 It is important to recognise that the above costs are taken from a base year of 2021. Consequently, as outlined in the governance agreement, it is proposed that the costs will be index linked and updated on the 1st April each year.

## 5 Apportionment of SAMM Contributions

5.1 The SAMM programme is costed across the parties to this agreement, considering several factors to ensure that the contribution required by each party reflects the visitor pressure caused by the local authority area and the quantum of development coming forward. The method used to calculate the apportionment of the programme is outlined in Schedule 2, and the final figures are presented below in Table 4.

*Table 4. Apportionment of SAMMs programme across the Local Authorities*

<b>Authority</b>	<b>% of pressure caused by new development</b>	<b>Apportionment (80 yr.)</b>
EFDC	15.66%	£3,886,415.65
WF	68.13%	£16,908,141.66
Redbridge	12.51%	£3,104,665.38
Newham	1.18%	£292,846.13
Enfield	2.52%	£625,400.22
<b>SAMM Programme Total:</b>		<b>£24,817,469.05</b>

5.2 The route for securing the contributions will ultimately be for the individual local planning authorities to determine, including the specific approach as to which forms, types and sizes of new residential developments will contribute, but will normally be by way of a Section 106 legal obligation, or from Community Infrastructure Levy monies.

## SCHEDULE 2 – SAMM Contributions

### 1. Background

- 1.1 The SAMM programme must be costed across the Parties to this agreement, considering several factors to ensure that the contribution required by each Party is considered fair.
- 1.2 A method was developed considering existing visitor pressure and the quantum of development coming forward in each of the Local Authority areas.
- 1.3 This document outlines the method that was used as well as the calculations that were made.

### 2. SAMM Contribution Method

- 2.1 Population figures were calculated using the households within 6.36km of Epping Forest SAC (data provided by CoL) and the household size based on the '2018 based population and household projections published by the Office of National Statistics in 2020'<sup>3</sup>

Local Authority	Households within 6.36km of EFSAC (CoL data)	Occupancy Rate	Current Population within 6.36km (2018)
EFDC	46,003	2.4	110,407
WF	101,842	2.71	275,992
Redbridge	92,655	2.83	262,214
Newham	89,666	3.1	277,965
Enfield	88,202	2.59	228,443

- 2.2 The 2019 Footprint Ecology visitor survey was used to calculate the number of responses that came from each borough/district (595 responses in total gave postcode data, calculated number of responses from the percentages provided).

Local Authority	% of responses	Number of responses
Waltham Forest	35%	208
Newham	2%	12
Harlow	2%	12
Broxbourne	1%	6
EFDC	31%	184
Enfield	2%	12
Chelmsford	1%	6
Havering	1%	6
Redbridge	12%	71

<sup>3</sup>

(<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/datasets/householdprojectionsforengland>).

<b>Hackney</b>	2%	12
<b>Tower Hamlets</b>	1%	6
<b>All others</b>	6%	36
<b>Non-SAC responses</b>	4%	24

2.3 The number of visitors from each borough/district was divided by the current population to calculate the visitor pressure per head from the existing population (this gave a small decimal for each borough/district as rather than total number of visits to the forest it used the survey data).

<b>Local Authority</b>	<b>Visits to EFSAC (2019 visitor survey)</b>	<b>Visitor Pressure per head caused by current population (Survey points divided by current population)</b>
<b>EFDC</b>	184	0.001666557978102880000
<b>Waltham Forest</b>	208	0.000753645524711566000
<b>Redbridge</b>	71	0.000270771563570394000
<b>Newham</b>	12	0.000043170964935822800
<b>Enfield</b>	12	0.000052529473631036000

2.4 Calculated additional population within 6.2km by using the predicted housing figures provided by LPAs, as well as the household size figures (as above based on the '2018 based population and household projections published by the Office of National Statistics in 2020').

<b>Local Authority</b>	<b>Planned housing within 6.2km of EFSAC (in the local plan period after September 30<sup>th</sup> 2021)</b>	<b>Additional population within 6.2km</b>
<b>EFDC</b>	3,021	7,250
<b>Waltham Forest</b>	25,736	69,745
<b>Redbridge</b>	12,590	35,630
<b>Newham</b>	6,781	21,021
<b>Enfield</b>	14,291	37,014

2.5 The visitor pressure figure was multiplied by the additional population (assuming the proportion of visits by the additional population is the same as the existing population in each borough).

<b>Local Authority</b>	<b>Additional visitor pressure (assuming proportion of population visiting remains the same)</b>
<b>EFDC</b>	12.08
<b>Waltham Forest</b>	52.56

<b>Redbridge</b>	9.65
<b>Newham</b>	0.91
<b>Enfield</b>	1.94

2.6 Converted these figures into a percentage to get a split of where the new visitor pressure was likely to come from.

<b>Local Authority</b>	<b>% of additional visitor pressure</b>
<b>EFDC</b>	15.66
<b>Waltham Forest</b>	68.13
<b>Redbridge</b>	12.51
<b>Newham</b>	1.18
<b>Enfield</b>	2.52

2.7 These percentages were then used to split the total cost of the SAMM programme and calculate the apportionment of the total.

<b>Authority</b>	<b>% of pressure caused by new development</b>	<b>Apportionment (80 yr)</b>
<b>EFDC</b>	15.66%	£3,886,415.65
<b>WF</b>	68.13%	£16,908,141.66
<b>Redbridge</b>	12.51%	£3,104,665.38
<b>Newham</b>	1.18%	£292,846.13
<b>Enfield</b>	2.52%	£625,400.22
<b>SAMM Programme Total:</b>		<b>£24,817,469.05</b>

## SCHEDULE 3 – Financial Arrangements between the Partners and The Delivery Body

*(Process detailing how money will be transferred between the LPAs and the Delivery Body, as well as the required reporting process, and how the money will be held)*

### **1. Levying of SAMMS Contribution**

1.1 The SAMM Contributions will be levied and collected by the Partners in accordance with Clause 6.2.3.5 of this Agreement.

### **2. Payment of SAMMS Contributions to Delivery Body**

2.1 The SAMM Contributions shall be paid by the Partners to the Delivery Body in accordance with Clause 6.2.3.6 and 6.2.3.7 of this Agreement. SAMMS Contributions shall be paid by the Partners to the Delivery Body every six months (or otherwise agreed) by BACS transfer. The BACS details are:

Account Name: City of London Corporation

Bank: Lloyds Bank Plc, P.O. Box 72, Bailey Drive, Gillingham Business Park, Kent, ME8 0LS

Sort Code: 30-00-02

Account Number: 00016123.

[Reference to be quoted on all transfers: SAMMS Agreement (*period covered*)]

**2.2** Prior to any BACS transfers being made to the Delivery Body the Partner making the transfer shall advise the Superintendent of Epping Forest of the transfer including the intended date of transfer and amount to be transferred by email to [Paul.Thomson@cityoflondon.gov.uk](mailto:Paul.Thomson@cityoflondon.gov.uk) (or to such successor Superintendent of Epping Forest, or other Chief Officer acting for CoL as The Conservators for Epping Forest, as may be appointed from time to time).

### **3. Holding and Investment of SAMMS Contributions by the Delivery Body**

3.1 The Delivery Body shall maintain an account for the purposes of holding, applying to Project Deliverables and for short-term investment of the SAMMS Contributions (“the Epping Forest SAMM Account” or “EFSA”)

3.2 The Delivery Body will set up one cost centre for the EFSA

3.3 All SAMMS Contributions received by the Delivery Body shall be paid into and kept in the EFSA until such time as it is expended on Project Deliverables or otherwise invested for the purposes of longer term (>3 years) investment in accordance with the Programme of Investment

3.4 The Delivery Body shall account for the SAMMS Contribution held within the EFSA by means of an expenditure and income account and a ring-fenced reserve account.

3.5 Any balance in the income and expenditure account on 31 March each year will be transferred to the ring-fenced reserve account. Any income which will not be expected to be

applied to Project Deliverables within the following three years will be available to be invested in accordance with the Programme of Investment. Any bank interest and dividends received will be added to the ring-fenced reserve.

3.5 The Parties acknowledge that the Programme of Investment in respect of the portion of the SAMMS Contribution to be invested shall be in accordance with the Investment Principles set out in Part 7 of this Schedule

3.6 Interest from both the Current Expenditure Account and investments will fluctuate but would yield a positive return each year.

#### **4. Reporting**

4.1 The Delivery Body will propose a Programme of Investment, in accordance with the Investment Principles in Part 7 of this Schedule, to the Technical Oversight Group for approval, will keep it under review, and will report from time to time (as the Delivery Body considers appropriate) on any recommended amendments to the Programme of Investment to the Technical Oversight Group for its approval

4.2 The Delivery Body will provide business plans and financial statements to the Technical Oversight Group (and, if required, to Natural England) at least annually in accordance with Clause 2.1 of the main Agreement to which this Schedule is attached.

4.3 The financial statements to be provided by the Delivery Body shall comprise suitable income and expenditure accounts - that will include the following:

##### Income

- sources of income (i.e. from each Partner)
- date of income (i.e. from each Partner).
- value of contributions from each Partner
- cumulative contributions from each Partner

##### Expenditure

- destination of payment (i.e. to whom paid)
- period in which payment was made
- value of each payment
- cumulative value of the payments

##### Balances

- cumulative balances in the ringfenced reserve account
- value of investments (including of any Charity Pool Units held)

Copies of the report layouts are shown in Schedule 3A of the Agreement.



4.4 The Delivery Body will prepare the annual accounts for audit, as part of the Epping Forest Charitable Accounts audit process, and will arrange for the accounts to be audited by independent auditors.

## **5. Application of SAMM Contributions held by the Delivery Body**

5.1 Sums from the EFSA will be applied by the Delivery Body towards Project Deliverables in accordance with this Agreement unless otherwise invested in accordance with the Programme of Investment.

## **6. Investment Advice**

6.1 The Delivery Body will not offer any advice on investments, as it is not a registered financial adviser. The Delivery Body will not be liable for any reduction in value of the investments.

## **7. Investment Principles**

7.1 The long term aim will be to transfer sufficient funds investments to enable a permanent endowment to be established. The aim of the permanent endowment will be to generate sufficient income to enable the Project Deliverables to be provided in perpetuity

7.2 In order to achieve the aims in paragraph 7.1 it is anticipated that the following split will be proposed by the Delivery Body in the draft Programme of Investment (but this will be subject to evaluation at the time the Programme of Investment is submitted, will be kept under review, and is further subject to the approval of the Technical Oversight Group to the Programme of Investment)

- First Financial Year after the Commencement Date – up to 40% of all income, which will not be required for Project Deliverables within the following three financial years, to be invested, and the rest apportioned to the EFSA.
- Second Financial Year after the Commencement Date – up to 50% of all income, which will not be required for Project Deliverables within the following three financial years, to be invested and the rest apportioned to the EFSA.
- Third Financial Year after the Commencement Date – up to 70% of all income, which will not be required for Project Deliverables within the following three years, to be invested and the rest apportioned to the EFSA.

7.3 The short and medium term aim will be to ensure there are sufficient funds in the EFSA to secure all the Project Deliverables. However, if it appears that the amount of expenditure from the EFSA leaves insufficient funds for investment to meet the aims in paragraph 7.1 then the Delivery Body may propose amendments to the Project Deliverables and Programme of Investment for approval of the Parties either directly or through the Technical Oversight Group.

## SCHEDULE 4 - Epping Forest SAMM Strategy Technical Oversight Group

### TERMS OF REFERENCE

#### DATE

#### 1. Purpose of the Technical Oversight Group

1.1 The purpose of the Technical Oversight Group is to facilitate joint working by the partner local authorities responsible for the implementation of the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy.

1.2 The Technical Oversight Group will work together to:

- Publish, monitor and update the completed Strategic Access Management and Monitoring (SAMM) Strategy.
- Work with the Delivery Body and relevant advisory bodies to agree a Programme of Implementation and monitor its implementation, and
- Facilitate liaison and information sharing between the partners.

1.3 The Technical Oversight Group will liaise with other organisations which are undertaking related activities in order to exchange information and best practice and avoid duplication of work including Natural England and the Greater London Authority.

#### 2. Technical Oversight Group Membership

2.1 The Technical Oversight Group comprises the following local authorities (LA) as Partners in the Epping Forest SAMM Strategy Partnership Agreement:

- Epping Forest District Council
- London Borough of Enfield
- London Borough of Newham
- London Borough of Redbridge
- London Borough of Waltham Forest

2.2 A representative from each of the Partners will attend meetings of the Technical Oversight Group. Each LA will notify the Chair of any substitute in advance of Technical Oversight Group meetings and that will be eligible to cast that Partner's vote. Natural England will continue to chair these meetings until decided otherwise, at which point the role of the chair will be rotated between Local Authorities. The Chair will circulate an agenda 5 working days before the meeting. Each LA partner shall take it in turns to produce meeting minutes. Each LA partner will have one vote. A LA Partner may not vote on matters concerning a dispute with the Partnership where the Partner is the subject of the dispute. Where a Partner has more than one member/officer present at a meeting, they will only be entitled to one vote.

2.3 Representatives from Natural England and the Greater London Authority (GLA) will also attend the meetings to provide guidance and advice. Representatives of CoL as the Delivery Body will also attend the meetings to provide feedback on Project Deliverables and to ensure the SAMM programme remains in accordance with the full protection of the Epping Forest SAC and with Delivery Body's other legislative duties. Any representatives from Natural England, GLA, CoL and any consultancy will not be eligible to vote. The quorum for a meeting will be three (3) voting LA

partners, and Epping Forest District Council, London Borough of Waltham Forest and London Borough of Redbridge must be present.

2.4 At the discretion of the Technical Oversight Group Chair and CoL as Delivery Body, any staff and contractors employed to undertake the work of the Partnership may be invited to attend meetings of the Technical Oversight Group where appropriate. Any representatives who are not there as representation for a LA, will not be eligible to vote.

### 3. Governance

3.1 The Technical Oversight Group will be responsible for making decisions in relation to the implementation of the strategy.

### 4. Technical Oversight Group functions and procedures

4.1 The Technical Oversight Group shall have the following functions:

- To promote, monitor and recommend updates (as appropriate) to the SAMM Strategy as the technical strategy
- To work with the Delivery Body to agree a Programme of Implementation and to review and update this on an annual basis
- To provide a single point of contact for information and advice on the project
- To receive regular reports from the Delivery Body on the implementation and monitoring of the SAMMs Strategy and the effectiveness of the necessary mitigation measures and, where appropriate, to recommend amendments to it
- To facilitate liaison and information sharing between the partners
- To recommend the appointment of a Delivery Body. The Delivery Body will be responsible for the implementation of the SAMM measures, subject to availability of adequate funding from the Partners in accordance with Section 6.2.2 of the Agreement of which this Schedule forms a part.
- To approve studies and works relating to the delivery and implementation of the SAMM measures
- To receive from the Project Delivery Body annual accounts relating to the collection and administering of financial contributions received and the allocation and expenditure of funds
- To receive from the Delivery Body reports as appropriate relating to the management of staff employed to deliver the SAMM measures (e.g. Rangers; SAC Ambassadors or other staff)
- To report on the Technical Oversight Group's activities and seek approval of the future work programme and expenditure, as necessary to relevant councils and members.
- To approve and publish documents relating to the SAMMS
- To keep these terms of reference under review and make appropriate amendments as necessary.

4.2 The Technical Oversight Group will meet monthly until the strategy has been completed and approved, at which point the meetings will become quarterly. Natural England will continue to chair these meetings unless the Technical Oversight Group decides otherwise.

4.3 The Technical Oversight Group may establish small project or working groups, resourced as necessary, to progress particular aspects of its work. Representatives of organisations who have a recognised interest in the planning or management of the SAMM measures but are not Technical Oversight Group members may be invited to join such groups.

## 5. Financial Management

5.1 The SAMM contributions will be sent every six months from each Partner to the Delivery Body unless otherwise agreed. Each LA will be responsible for monitoring contributions received and forecasting their future tariff income. Each Partner LA will be responsible for ensuring that only SAMM contributions that are available to spend are sent to the Delivery Body and for arranging any requests for refunds.

5.3 The LA Partners will nominate a single point of contact for the Delivery Body e.g. their S106 monitoring officer.

## 6. Communications

6.1 The Delivery Body will oversee the project communications once the project has commenced.

## 7. Technical Oversight Group Meetings

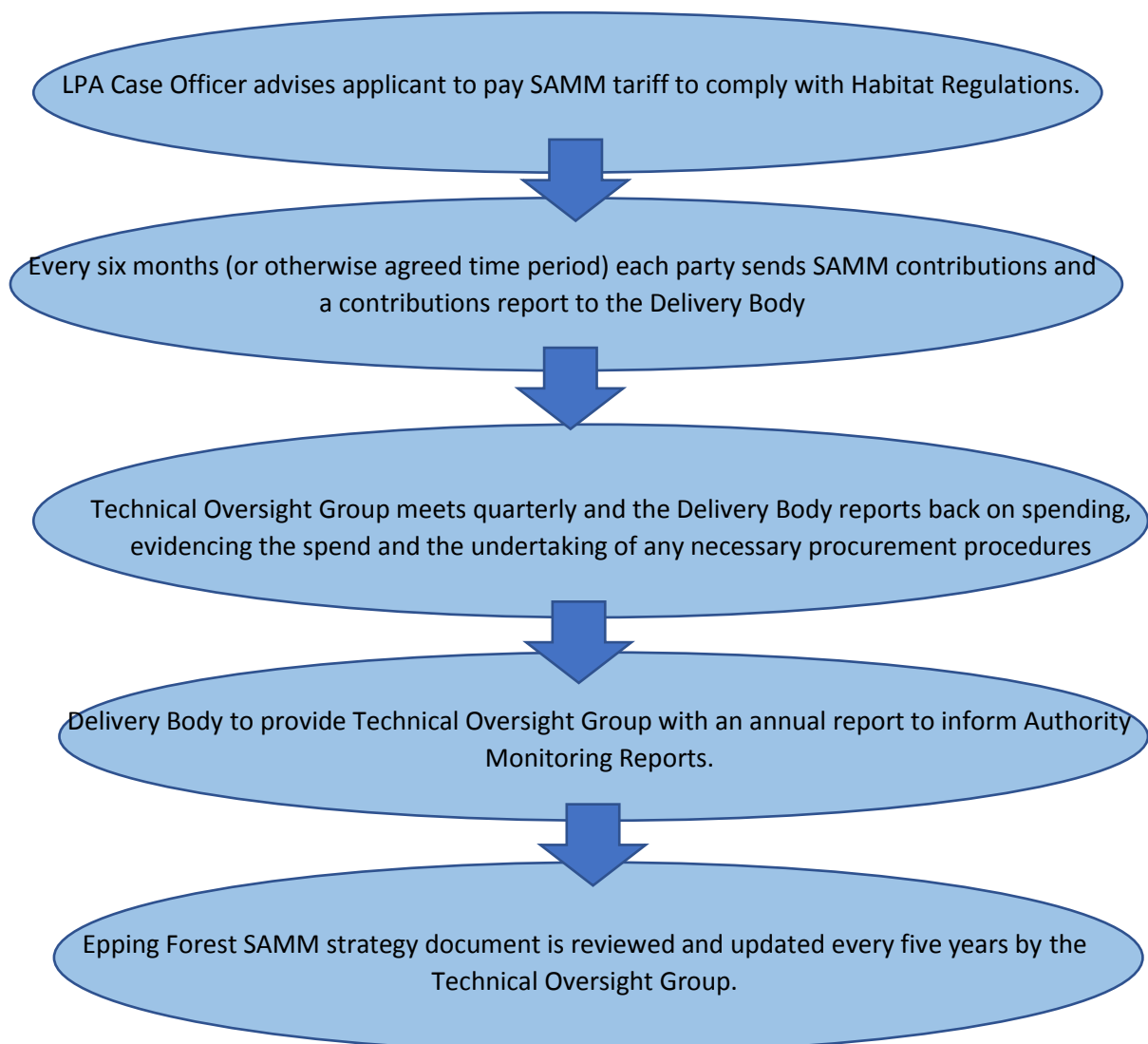
Meetings will operate under the following conditions:

- At each meeting, the Technical Oversight Group will agree the date for the next meeting otherwise the Chair or his/her nominee, shall call meetings, giving notice that is reasonable in the circumstances.
- The Chair shall circulate an agenda before the meeting. Each Partner shall take it in turns to produce meeting minutes, unless it is agreed otherwise.
- Each Partner (excluding any co-opted members) will have one vote. A Partner may not vote on matters concerning a dispute with the Partnership where the Partner is the subject of the dispute. Where a Partner has more than one member/officer present at a meeting, they will only be entitled to one vote.
- The quorum for a meeting will be three (3) voting Partners, and at a minimum the three boroughs directly surrounding Epping Forest SAC (Epping Forest District Council, London Borough of Waltham Forest and London Borough of Redbridge) must be present when any decisions are made.
- Votes, with the exception of a vote to terminate a Partner's membership of the Partnership, will be by two-thirds majority of the Partners in accordance with the quorum discussed above on the basis of those attending and eligible to vote.

## SCHEDULE 5 – SAMM Delivery Flow Chart

The flowchart below sets out the steps for the governance and delivery of the Epping Forest SAMM Strategy. Some of the terms referred to in the flowchart are defined, below.

- **Financial Management:** The SAMM contributions will be sent from each LA to the Delivery Body. Each LA will be responsible for monitoring contributions received, and for forecasting future tariff income.
- **Delivery Body:** The City Corporation, as the owners of the site and as its Conservators, will be appointed as the Delivery Body to manage the implementation of the SAMM measures. The Delivery Body will be allocated money by the parties and will be responsible for the delivery of all on site SAMM measures, and the management of any staff and contractors employed as part of the measures. The Delivery Body will report back on SAMM spending to the Technical Oversight Group annually.
- **Technical Oversight Group:** The existing Technical Oversight Group is made up of a Nominated Representative from each party. The Technical Oversight Group will take responsibility as outlined in Schedule 4. The Technical Oversight Group will meet quarterly to discuss the SAMM measures and if any amendments are needed. The Technical Oversight Group will continue to include representative(s) from Natural England and GLA. Sub-groups may be formed at any time and could include local conservation groups.



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## SCRUTINY



### **Report to Overview and Scrutiny Committee**

**Date of meeting: 31 March 2022**

**Portfolio: Planning and Sustainability (Cllr N Bedford)**

**Subject: Climate Change Action Plan Consultation Update**

**Officer contact for further information: Nick Dawe (01992 562541)**

**Democratic Services Officer: V Messenger (01992 5464243)**

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

**To consider the outcomes of the Climate Change Action Plan Consultation ahead of the Climate Change Action Plan going to Cabinet on 11 April.**

#### **Report:**

1. The principle objective of the Climate Change Action Plan is to demonstrate actions being taken by Epping Forest District Council to deliver on the pledge to do everything within our power to be carbon neutral by 2030 and address the declaration of the Climate Emergency. The document focuses on the identification of carbon emissions and the actions to reduce them both within the Council and across the wider District area. The plan aligns with the corporate objectives of keeping the district moving sustainably and enabling residents to access new opportunities for employment, and to reduce the carbon footprint across the district and within our council. There are also links to Policies T1, DM 2 and DM15-22 in the Emerging Local Plan.
2. Climate change action requires a whole organisation approach therefore development of the Climate Change Action Plan has involved officer input from many different service areas across the council. The action plan reflects this by looking at several themes. The initial Council Operations section focuses on the Council's own emissions from buildings, business practices and staff travel. The subsequent themes examine emissions from travel, buildings and waste in the wider District. Actions to address the related themes of air quality, natural greenspace and climate change mitigation are then explored.
3. The Council undertook some informal engagement prior to the development of the draft Climate Change Action Plan. Following approval at Cabinet on 20 April 2021, these documents were published for formal consultation for a six-week period from 12 October to 26th November 2021. The consultation was originally scheduled for June but the delay in release was so as not to overlap with the Local Plan Main Modifications consultation and the school holiday period.
4. The public consultation was carried out using the following methods:  
Digital engagement:
  - Consultation notice via email to EFDC databases, statutory consultees and other stakeholders.
  - Dedicated email address for enquiries and consultation response submissions.
  - Dedicated consultation page on EFDC website, including PDFs of documents and a frequently asked questions page
  - Social Media campaign

- Staffed online Q&A sessions and event attendance
- Online Community Q&A
- Youth Council Q&A Session

Non-digital engagement:

- Hard copy of the Climate Change Action Plan available on request and in the Civic Offices.
  - Leaflet/ poster information to provide summary and link to online document.
  - Postal address set up for responses
  - Event attendance at the Stay Well Event, Youth Council Climate Action Conference and a Members Briefing in person
  - Leaflets at Epping and Waltham Abbey Markets
5. Overall, the Council received comments from 839 respondents, through the main survey (121 responses) and youth survey (707), emails (9) and postal comments (2).
  6. The consultation survey included general questions around individual and community behaviours to understand the level of engagement with climate change in the District and to inform a behaviour change strategy for the future. The survey also asked questions related to businesses, travel and the Climate Change Action Plan itself.
  7. **Headline figures for the general survey questions:**
    - Adults were more likely to be very concerned (69%) than the youth respondents (16%) and more young people were not concerned (16%) when compared to the main survey (6%).
    - The top reasons for concern were having a responsibility to future generations, the threat to human existence and the damage to wildlife and ecosystems. However, those not concerned cited that changes in climate have happened before or that they were too old to see the effects.
    - When respondents in the main questionnaire were asked where they got information on climate change documentaries (70%) and TV, radio and newspaper news (69%) were the most popular answers. Other common sources of information cited outside of the options given were from environmental groups, scientific literature, personal experiences and technical documents. A small number said that they do not seek information on climate change.
    - In the youth questionnaire the most common information source was less defined but teachers (55%), documentaries (49%), search engine (49%) social media (47%) and TV radio or online news (44%) were chosen most often. 75% of youth respondents said they knew a lot or a medium amount about the causes and effects of climate change, which is an encouraging figure.
  8. To understand priorities throughout different sections of the District questions were asked on how respondents prioritise actions that can be taken by individuals, Councils and businesses:
    - The most important actions for individuals to take were thought to be using more sustainable energy, improving home energy efficiency and reducing household waste. The main obstacle to carrying out these actions on a personal level was seen as cost but other obstacles given were too much packaging from shops, lack of guidance, having homes difficult to upgrade e.g. solid wall or listed buildings.
    - The most important actions for Councils to take were more energy efficient homes, better cycling and walking paths and increasing domestic recycling.
    - Priority actions for businesses to take were seen as reducing packaging, procurement of green goods and services and using fewer fossil fuels. To encourage these actions suggestions were financial incentives to provide greener options, creating consumer pressure, providing grants to green fleet/offices and promoting good behaviour.



- When asked what more we could do as a community to tackle climate change there a range of views with the most common being to make car travel a deterrent and increase the amount of public transport and routes. This was followed closely by planting more trees and rewilding of derelict sites. A common theme was to improve local green space, involve the young and local communities in projects and in deciding what green spaces should include and to support local High Streets.
9. Respondents were asked for feedback on what the Council can do to improve the Climate Change Action Plan. A summary of common themes from both the questionnaire and written responses is shown below:

- General (62 Comments)

Feedback on the overall plan varied across respondents with equal weighting between the plan needing more detail and others saying it was comprehensive. The general points to improve the plan included:

- Getting agreement on target proposals
- Changes to the language to make it stronger on action
- Text revisions to mention COP26, Essex wide climate policy and some minor text revisions for clarity.
- Further detail to be provided on actions

- Waste (447 comments).

This was the most common theme to be commented on especially in the youth questionnaire. Ideas to improve this area included:

- providing more bins/recycling bins in public places
- influencing the amount of packaging in shops
- enforcement of littering
- more emphasis on reducing waste

- Travel (328 comments)

The most prevalent response for the barriers was the cost of electric vehicles, which is likely to require national government policy or a change in market conditions to address. Recurring themes throughout the questions related to both areas that are under EFDC control but also areas under ECC jurisdiction for example public transport.

- Improvement to bus services consisting of improved frequency, cost and routes to key hubs
- Better cycling and walking provision with increased safety, clearer signage, more cycle/walking paths to school and employment centres and to fix the roads.
- More electric charge points
- More emphasis on a reduction in car travel

- Buildings (192 comments)

Comments related to buildings were more general in nature siting reductions in energy use, less fossil fuel use and more renewable energy generation. More specific comments related to:

- More solar production
- Paving over of driveways and the subsequent loss of drainage and biodiversity
- Further consideration of embodied carbon, with retrofit of buildings favoured over demolition and rebuild.
- Promotion of community energy projects

- Behaviour change (141 comments)

This topic was particularly common in the youth questionnaire when asked what the council can do for climate change, across the two surveys the same recurring themes were:

- Awareness raising sited as being very important especially education and provision of information.
- Collaborative working needed with organisations including voluntary organisations, community organisations and businesses. Schools were seen as especially important for collaboration.
- Visible volunteer community activities eg. litter picking

10. Travel Specific questions findings:

- 86% of respondents held a driving licence. Of those that drove, 59% drive petrol vehicles, 21% drive diesel, 6% drive a hybrid and 4% are in fully electric vehicles (EVs).
- The most frequent other types of transport used were walking (84%), the London Underground (45%), Bus (22%) and Bicycle (22%).
- When asked about obstacles to carrying out individual climate actions relating to driving less, using more sustainable transport and using an electric vehicle the top 3 were inadequate public transport, lack of safe cycling routes/sustainable transport infrastructure, and the need for more charge points. Other obstacles sited were accessibility of transport, extra time needed, no driveway for an EV, ability to walk and cycle, transporting bulky items, rural location and a car dominated culture.
- The top 3 most sited answers as to what would make it easier to switch to EV were: more affordable electric vehicles with calls for more second hand EVs, scrappage schemes and grants, followed by more electric vehicle charging points and more frequent and better timetabled buses. Other themes cited around EV's was that they needed longer ranges and solutions for larger vehicles. Also, some scepticism around EV reliability and maintenance. Some also wanted to keep their car longer to avoid embodied energy of getting a new electric vehicle.
- The youth questionnaire asked about travel to schools, the most common methods of transport were being driven or driving themselves (29%), walking (28%) and taking the bus (26%). For those that drive or are driven factors that would help to travel more sustainably were better and more frequent public transport routes and better walking and cycling routes. From comments Covid is still seen as a barrier to taking public transport.

11. Key updates made to the plan based on the feedback received from the consultation:

- Update of targets, these will continue to be updated as more data becomes available.
- Text revisions to mention COP26, Essex wide climate policy and some minor text revisions for clarity.
- The Priority Actions in 2021/22 section has been updated to Progress in 2021/22.
- Update of the waste chapter to account for comments made and to show further action being taken. These include actions related to the litter strategy, litter picking equipment, information on reducing waste and providing a waste education video.
- Further detail added to the Council Operations chapter to include more specific storage and energy projects, social housing regeneration, social housing stock review and a building energy survey.
- In the Travel chapter a new section has been made to show actions related to reducing travel and more detail on actions related to electric vehicle charging points.
- Actions added to the Natural Environment section to involve the local community in tree planting activities and to provide information on sustainable growing and home composting.
- Actions added to the behaviour change section and additions made throughout to mention of schools as a point of collaboration. The subjects included for engagement have also been expanded to include sustainable food and diet. A note has been added to mention business support and engagement.

**Reason for decision:**

Not applicable

**Options considered and rejected:**

Not applicable

**Consultation undertaken:**

Yes, as described above

**Resource implications:**

Not applicable

**Legal and Governance Implications:**

Not applicable

**Safer, Cleaner, Greener Implications:**

The draft Climate Change Action Plan seeks to drive down carbon emissions across the District to become carbon neutral by 2030. Actions will include measures to increase the provision of sustainable development, energy efficiency and consideration of the natural environment.

The largest proportion of emissions in the District arise from on-road transport therefore, activities within the plan look to increase modal shift towards active travel and put in place measures to increase the uptake of electric vehicles. The co-benefits of these actions such as reduced fuel poverty, enhanced health and wellbeing and provision of jobs promote the notion of making Epping Forest District a good place to live, work and visit.

Activities to tackle carbon emissions will also help to improve air quality in the District, which will help with human health concerns and address the impacts of air quality on the Epping forest Special Area of Conservation.

**Background Papers:**

Draft Climate Change Action Plan

**Impact Assessments:*****Risk Management:***

No risks identified

***Equality:***

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 Epping Forest District Council

# Overview & Scrutiny

2021 – 22

# Annual Report

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Report by: V Messenger, EFDC Democratic Services Officer (April 2022)



## **Chairman's welcome and introduction**

May I welcome members of Epping Forest District Council and introduce this seventeenth annual report of the Overview and Scrutiny Committee. The Government's legislation of 4 April 2020 on the flexibility of local authority regulations that had allowed virtual meetings to take place during the Covid pandemic in 2020/21, ended on 7 May 2021. The 2021 elections including those suspended in 2020 were held on 6 May and physical meetings returned, spearheaded by Annual Council on 21 May 2021. Physical meetings restarted in the newly refurbished Civic Offices for all primary committees, including Overview and Scrutiny Committee and the select committees. Initially meetings were held in the Conference Suite on the first floor until the Chamber became available in August 2021.

This annual report highlights the work undertaken by the Council's scrutiny committees – Overview and Scrutiny Committee and the three select committees, Stronger Communities, Stronger Council and Stronger Place that are aligned to the Council's Corporate Plan ambitions. In December 2021, the Local High Streets Task and Finish was reconvened following its suspension in spring 2020 with the onset of the Covid crisis and lockdowns that ensued.

May I take this opportunity to thank the chairmen and members of the select committees and the task and finish panel in addition to, my special thanks for my Vice-Chairman, Councillor Bob Jennings for all his help and support throughout another challenging year, as we returned to physical meetings while Covid was still endemic.

And of course, I would like to thank all the officers who have worked so hard to keep the members of the scrutiny committees informed and their help in providing any background information that members needed to carry out their investigations.

*Cllr Mary Sartin*

**Chairman of Overview and Scrutiny Committee**

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## What is scrutiny

- ▶ Scrutiny in local government is the mechanism by which public accountability is exercised.
- ▶ In practice the purpose of scrutiny is to examine, question and evaluate in order to achieve improvement.
- ▶ Value of scrutiny is to use research and questioning techniques to make recommendations based on evidence.
- ▶ Scrutiny enables issues of public concerns to be examined.
- ▶ At the heart of all the work is consideration of what impact Cabinet's plans will have on the local community.
- ▶ Overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an opposition to the Cabinet. Rather the two aspects should be regarded as 'different sides of the same coin'. The two should complement each other and work in tandem to contribute to the development of the authority.

Alongside its role to challenge, the scrutiny function has also continued to engage positively with the Cabinet, which is why Cabinet members cannot be members of scrutiny committees, and there continues to be cross party co-operation between members on all panels. Scrutiny has continued to provide valuable contributions to the Council and the Cabinet remained receptive to ideas put forward by the scrutiny committees throughout the year. The Constitution also allows members of the public to address the Overview and Scrutiny Committee on any agenda item.

## Scrutiny committees

### Overview and Scrutiny Committee

The main scrutiny committee has sole responsibility to discharge the Council's statutory duties and responsibilities under the Local Government Act 2000, as defined in the [Constitution, Article 6 – Overview and Scrutiny](#). All the scrutiny committees have a Terms of Reference. Their work programmes are continually updated throughout the year to reflect the progress of their ongoing scrutiny on Council business of the Executive including services areas, strategies, policies and external scrutiny when appropriate.

The Committee regularly reviews the Cabinet's Forward Plan of Key Decisions to identify suitable matters for its work programme and for the overview of specific decisions being proposed. The Cabinet can equally ask Overview and Scrutiny to pre-scrutinise any of its business. Other ongoing work items include the Council's Covid response/recovery and group company structure business.

### Select Committees

Restructured into three select committees at the start of 2019/20 municipal year, they are mainly aligned with the Council's Corporate Plan 2018-2023 and the three pillars of its corporate ambitions:

- Stronger Communities
- Stronger Council
- Stronger Place

Their Terms of Reference are agreed by the Overview and Scrutiny Committee at its first meeting in the municipal year, which sets out a rolling programme of ongoing and cyclical issues specific to their corporate alignments. A lead officer of the Senior Leadership Team, appointed to each select committee, helps to facilitate this and co-ordinates member-led scrutiny throughout the year.

### Task and Finish Panels

These panels can be set up by the Overview and Scrutiny Committee to deal with ad-hoc projects or reviews that are included in the annual work programme for overview and scrutiny. The Panels are restricted to those activities which are issue-based, time limited and non-cyclical in character and also have clearly defined objectives.

## Overview and Scrutiny Committee – year highlights

The Overview and Scrutiny Committee held eight meetings this municipal year. The membership was approved at the first (annual) Council meeting on 25 May 2021. The first meeting of the Overview and Scrutiny Committee was held on 3 June 2021 in the Conference Suite at the newly refurbished Civic Offices. Meetings resumed in the Council chamber from September.

### 2021-22 Membership

CHAIRMAN

**Councillor Mary Sartin**

VICE-CHAIRMAN

**Councillor Bob Jennings**

Councillors:

Roger Baldwin  
Pranav Bhanot  
Peter Bolton  
Ian Hadley  
Steven Heather  
Jeane Lea  
Alan Lion

Councillors:

Tim Matthews  
Stephen Murray  
Dave Plummer  
Sheree Rackham  
Paul Stalker  
Janet H Whitehouse  
Ken Williamson  
David Wixley



Cllr Mary Sartin



Cllr Bob Jennings

### External scrutiny highlights

**Princess Alexandra Hospital Trust** Senior Executive Team accepted an invite and Lance McCarthy (Chief Executive), Stephanie Lawton (Chief Operating Officer), Michael Meredith (Director of Strategy) and Jill Hogan (Communications (New Hospital)) attended the meeting on 7 December 2021. Two presentations were received on the new hospital development and the recent Care Quality Commission (CQC) report.



M Meredith outlined the new hospital development that was one of eight, national 'pathfinder projects' in the Government's new hospital programme. Extensive engagement had been carried out with staff, patient groups, stakeholders and through workshops. The Design brief was completed.

PAHT had high ambitions on the strategies produced on net zero carbon, facilities management, procurement, modern methods of construction, communications and engagement and digital.

Photo credit © Gilling Dod Architects and BDP

Courtesy of: Princess Alexandra Hospital Trust (image for illustrative purposes only and subject to change).

The PAHT answered many detailed questions on the new hospital development. It was in the final stages of completing the land purchase so that planning and works preparation could be

progressed. Further engagement on its website would be undertaken with the public and community groups on the final designs as well as briefing councillors in the district and finalising the transport strategy.

An overview of the CQC report was presented by L McCarthy. The inspection, carried out in July and August 2021, was based around five domains – were services safe, effective, caring, responsive and well-led. The impact of Covid had been significant on everyone. There had been a 19% increase in demand for care on the emergency services between April 2020 and now, so there was enormous pressure on staff to care for patients and use of PPE equipment to keep people safe. There was a separate emergency department for Covid patients to reduce infections, so having two emergency footprints was an additional strain on services. The CQC report detailed 18 must do's and 11 should do's, but otherwise remained good on most services. The actions the PAHT must do were outlined in the presentation, which was attached to the minutes for information, and covered – themes of good practice, consistent themes for improvement, actions taken and work underway, and the next 12 months. Members' questions covered a whole range of issues, and it was timely that they had had this opportunity to receive answers directly.

**West Essex Clinical Commissioning Group**, Dr Rob Gerlis (Chairman), Peter Wightman (Managing Director) and Ian Tompkins (Corporate Services Director), attended the meeting on 27 January 2022.



**Health & Care Partnership**

During a presentation, the Committee heard that the Health and Care Bill published July 2021, set out proposals to reform the delivery and organisation of health services in England.

From 1 April 2022, Epping Forest District would become part of the Herts and West Essex Integrated Care System (ICS) along with other district and county authorities, all NHS Trusts in the area, the voluntary sector and Healthwatch. The ICS comprised two statutory parts – an Integrated Care Board, NHS Hertfordshire and West Essex, responsible for NHS functions and budgets; and the Integrated Care Partnership that brought together a wider set of system partners to develop a plan to address the broader health, public health and social care needs of the local population. The Hertfordshire and West Essex ICS would have three of these 'places' – two in Herts and one for West Essex. The West Essex 'place' was known as the One Health & Care Partnership. The Community and Regulatory Services Portfolio Holder, Councillor A Patel, Housing Services Portfolio Holder, Councillor H Whitbread, represented the Council on the Epping Forest Health and Wellbeing Board. During a detailed question and answer session, members asked about a range of health issues including: ICS' recruitment strategy; health equity work as there had been low uptake of the Covid vaccination especially in Waltham Abbey; public transport issues in rural areas accessing medical services; substance abuse; greater use of community hubs and pharmacies to promote wider access to health services; how these changes might improve socioeconomic inequalities; how Section 106 monies were utilised; and what councillors could do to help.

### **Epping Forest Youth Council annual report of activities**

Youth Councillors – Sonny Bazzoni (Epping St John's School), Martin Prinsloo (Davenant Foundation), Daniel Turner (Debden Park High School) and Finlay Wallbanks (The Ongar Academy). presented the highlights of their work over the past year.



This centred on the following activities:

- ▶ **MiLife C19** – the 10-week schools virtual programme that has given young people what they need to build their emotional resilience through a range of teacher led workshops. The website <https://www.rbf.org.uk/milife> incorporates bespoke resources directly relating to Covid 19 and its impact on young people, addressing good mental health and wellbeing. This also includes a variety of physical and cultural activities.



- ▶ **Youth Conference** – on 19 November 2021 the Epping Forest Youth Council hosted its bi-annual Youth Conference. The full day event saw 67 young people from five of the district's secondary schools attend the Civic Offices for a day focussed on climate change issues and youth democracy.
- ▶ **Youth Elections** – Youth Councillors have been instrumental in recruiting potential candidates in their schools for the Youth Elections in February / March 2022.
- ▶ **Youth Activities Map 2022** – extensive research has been carried out to update the map to include new groups and recreational green spaces and nature reserves.

The Committee asked many questions (to continue)

## Pre-scrutiny highlights

Pre-scrutiny of Cabinet decisions took a leap forward for all the scrutiny committees this year. The regular review of the Cabinet Forward Plan was an important function of the Committee.

### Qualis Four-Year Business Plan

Councillor J Philip (Finance, Qualis Client and Economic Development Portfolio Holder) clarified that Qualis has been set-up by the Council to be successful and to do the business it wanted Qualis to do although it was a separate development and property management company. Introduced by A Small (Strategic Director and 151 Officer), the Committee pre-scrutinised the Qualis Four-Year Business Plan 2021/22 to 2024/25, prior to Cabinet's decision on 12 July.



It was a requirement of the Shareholder agreement that Qualis produced and presented each year to the Council, a one year and a four-year Business Plan for the Council to consider and sign-off. Details of future service transfers and a template for such business case transfers featured in the business plan. Councillor J Philip encouraged members to be positive about Qualis and look at what Qualis was expecting to undertake. He fully expected the one year and four-year business plan to be updated, as there might be changes along the way.

### Sale of the Pyrles Lane site, Loughton, to Qualis

Qualis Commercial Development Director, S Rutter, outlined the redevelopment proposal, which was a Local Plan site and was at the pre-application stage in June 2021 with the Local Planning Authority. The scheme was to comprise 33 houses with a suitable access road. Members questioned the parking provision, the percentage of affordable housing, and that the carbon footprint should be kept as low as possible. There were also concerns that the water supply to the GROW community garden was not cut off but preserved and any damage caused by construction traffic would be rectified.

### Town Centre Regeneration

At 8 June 2021 meeting, Portfolio Holder Councillor J Philip introduced the Town Centre Regeneration reports for Loughton Broadway, Loughton High Road, Buckhurst Hill and Epping high streets. The District had more than one key town centre and they were all very different. A consultant, Mr P Messenger, was commissioned to produce detailed reports in the first half of 2021. Appointed the Council's Town Centre Project Manager, P Messenger had looked at these as retail centres throughout the lockdowns. The high streets had their own characteristics and attractions.



The Broadway, Loughton

## Queens Road, Buckhurst Hill



The reports provided a starting point of a localist approach. The Council instigated short term measures to deal with current challenges, as high streets reopened. It also proposed medium-term and long-term strategies to develop over time further initiatives and was one stakeholder in the partnerships. The Committee's pre-scrutiny highlighted many issues and concerns, including accessibility for people with disabilities. Consideration should be given to improvements that could be made which might be obstacles for people with disabilities.

View the minutes here [Overview and Scrutiny 8 June](#)

### **Climate change and sustainable transport update**

The Committee considered progress on the climate change and sustainable travel agendas in October 2021. A public consultation on the draft Climate Change Action Plan took place from October to November, and a member briefing was also held. F Edmonds (Climate Change Officer) update outlined a proposal to plant around 2,300 trees in Jessel Green (Loughton) to enhance the local environment, funded by a £65,000 grant from the Forestry Commission's Local Authorities Treescapes Fund. Members were concerned that the open aspect of the green might be compromised. They queried how officers would reduce the number of trees that might die, which could be achieved through only using hardy trees with a survival rate of 75%. The Portfolio Holder Decision on this was later called-in by five councillors (see overleaf). Other initiatives included the Green Homes Grant Local Authority Delivery scheme which would help to raise the energy efficiency of lower income and low energy performance homes with a focus on energy performance certificate (EPC) ratings of E, F or G. Split into three phases, the first had been completed in August 2021 with nine properties upgraded. It was also reported that a carbon literacy toolkit had been trialled with some Service Managers that would be used to teach staff the basics of climate change science.

S Lloyd-Jones (Sustainable Transport Officer) outlined progress on electric vehicle charge (EVC) points in the District's car parks and an increase in the provision of on-site charging at the Civic Offices to accommodate EFDC and Qualis fleet conversion to EV. A campaign was underway to understand incentives and barriers to the adoption of EV by minicabs and taxis. The use of streetlamps was not favoured by Essex County Council but at least 36% of local homes did not have access to viable off-street parking, which would seriously impede EV adoption within the next 18 months. General local commuting was still low as a result of hybrid / working from home and other major users like the elderly, who were still being cautious. An EV bus would be trialled in November and December between the Broadway and the Epping Forest Retail Park in Loughton. Demand responsive travel (DRT) would be piloted in the District to Epping Green and Harlow and work was ongoing as there was a demand from school pupils who needed to reach schools in Epping, Loughton and Chigwell. Members raised some interesting points, such as using Council-owned lamp posts for EVC and priority should be given to housing residents where it was not possible to charge at properties. The trial of E-on's vehicle to grid method at the Civic Offices could be a way to expand the system and there was a definite need for it by taxis and road fleets of small electric vans. Also, as disabled drivers might find it difficult to access EVC points, S Lloyd-Jones was looking into how different kits performed to national standards.

### **Climate Change Action Plan consultation update**

The Climate Change Officer updated the Committee on 31 March 2022 following the public consultation last autumn. The methods and a summary of the responses received were reported at the meeting. The consultation survey included general questions around individual and community behaviours to understand the level of engagement with climate change in the District and to inform a behaviour change strategy for the future. The survey also asked questions related to businesses, travel and the Climate Change Action Plan itself.

### **Harlow and Gilston Garden Town Transport Strategy**

N Polaine (HGGT Director) and I Braddick (HGGT Lead) attended the meeting on 18 November. I Braddick introduced the report with a short presentation outlining the reasons and ambitions crucial to the endorsement of the HGGT Transport Strategy. It had been developed to meet the ambitions for sustainable movement set out within the HGGT vision, against the backdrop of the challenges of future travel demand linked to planned growth as set out in the Council's emerging Local Plan. The Council had declared a climate emergency in 2019. With transport now the largest contributor to UK greenhouse gas emissions, the HGGT transport strategy supported the highest commitment across the Garden Town Authorities to become carbon-neutral by 2030. Key to this was making it easier to choose to travel sustainably, by providing reliable and high quality sustainable and active travel routes, and by creating connected communities and safe, enjoyable streets that offered local facilities and travel options for everyday activities. As Cabinet's decision was due on 25 January 2022, the Committee pre-scrutinised the strategy.

### **Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy**

Vicki Willis (Local Plan and Planning Policy Team Manager) introduced the detailed report concerned with the potential impact of residential development on the Epping Forest Special Area of Conservation (SAC) in relation to additional visitors using the Forest for recreational purposes. The Council had a legal duty as a 'competent authority' under the Habitats Regulations to protect such internationally important sites, which could be best achieved using measures put in place at the Local Plan level. The Partnership Agreement was jointly developed by the Council with other competent authorities, Natural England and the Corporation of London as the delivery body. It would replace the 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' adopted by the Council in October 2018. The document outlined the updated SAMM Strategy for Epping Forest and the governance arrangements to ensure that financial contributions that had been / would be collected from development were spent in accordance with the purposes for which they had been secured and that proper monitoring of spending would be put in place. A number of questions were raised.

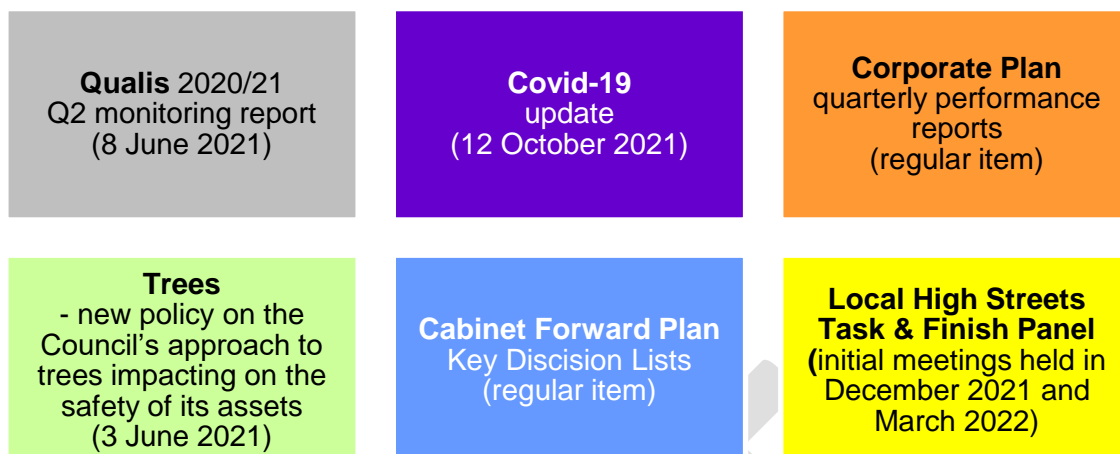
### **Market Policy**

The Council recognised the important contribution that markets made to the local economy and the character of an area and their promotion was an important inclusion in the town centre regeneration projects for Buckhurst Hill, Epping, Loughton High Road and the Broadway, Ongar and Waltham Abbey. The Council has powers under Part 3 of the Food Act 1984, to hold markets within its area and had the right to licence and control the frequency of such markets. It was good practice for Councils to publish a Market Policy and to have a licensing regime that allowed it to influence the nature and type of market for the benefit of the community; to distinguish between commercial and community-based markets or those with a strong charitable element; to ensure conditions were in place to meet legislative controls including to protect public safety; and that these could be consistently and fairly applied to all traders wishing to operate in the district. A public consultation had taken place in December 2021 and comments received were detailed in the report. The Committee pre-scrutinised the draft policy on 31 March as the Cabinet decision was due on 11 April 2022. S Devine (Regulatory Service Manager) answered a number of questions.

### **Terms of Reference revised – Stronger Place Select Committee**

Last autumn the select committee reviewed and proposed updates to its Terms of Reference. As this is within the remit of the Overview and Scrutiny Committee, members considered and approved at the meeting on 12 October 2021, the proposed changes the select committee had drafted. It was recommended that the other select committees review their Terms of Reference by the last meeting in this municipal year, so the Overview and Scrutiny could approve any amendments at the first meeting in the new municipal year, going forward.

**Other pre-scrutiny highlights** undertaken at meetings during the year, included:



### **Call-in – tree planting** ➡

An informal but productive meeting was held on 1 November 2021 with the Chairman and Vice-Chairman of Overview and Scrutiny Committee, and officers, regarding the call-in by Councillor C C Pond and four other councillors of the Housing Services Portfolio Holder Decision PFH-004-2021/22 (Jessel Green tree planting following a successful grant bid). Although the councillors who called-in the PFH decision supported tree planting in Loughton, they were opposed to the planting of 2,300 unspecified species on Jessel Green, as it should be preserved as a public open space.



A useful site visit took place after the informal meeting. A revised PFH decision was approved, which identified additional tree planting sites in Debden and Chigwell. Also, approved was the future Housing Revenue Account budget provision for tree maintenance from 2025/26, which the costs were expected to be approximately £5,000 per annum.

### **Public scrutiny questions** ➡

Public scrutiny in action saw a resident submit two questions to the Chairman of the Overview and Scrutiny Committee in time for 1 July 2021 committee meeting. This was in respect of the Qualis Finance Report. The minutes (see pages 2 – 3) can be viewed at the weblink below [Overview and Scrutiny 1 July 2021](#)

### **Agendas and minutes** ➡

**Overview and Scrutiny Committee** agendas and minutes can be accessed on the website at: <https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=395&Year=0>



## Joint Meeting of Overview Scrutiny Chairmen and Vice-Chairmen

The joint meeting is held six-monthly. It provides the scrutiny chairmen and vice-chairmen with an opportunity to discuss any issues raised with the Senior Leadership Team and the Democratic and Electoral Services Manager. The joint meetings were held on 22 July 2021 and 20 January 2022.

Discussion items raised included:

- ▶ Alignment of select committees' Terms of Reference with the Corporate Plan
- ▶ Attaining an equitable balance between the scrutiny committees' work programmes
- ▶ Role of the select committee chairmen reporting fuller progress report against their work programmes at the Overview and Scrutiny Committee
- ▶ External scrutiny options with suggestions
- ▶ Overview and scrutiny training – current and future requirements
- ▶ Local High Street Task and Finish Panel

**Agendas and minutes** →

Joint meeting agendas and minutes can be accessed on the Intranet at:

<https://eppingforestintranet.moderngov.co.uk/ieListMeetings.aspx?CId=770&Year=0>

## Task and Finish Panels

### Local High Streets Task and Finish Panel

The panel had been suspended with the onset of the Covid crisis after its first meeting in February 2020. During the Covid pandemic, high street economic development initiatives were led by Councillor John Philip, Finance, Qualis and Economic Development Portfolio Holder.



Loughton High Road



Epping High Street

The panel was reconvened on 20 December 2021. Town centre regeneration in the District was being coordinated by the Economic Development Team, J Houston (Economic Development Specialist) and P Messenger (Town Centres Manager). They updated members at the meeting on progress made on the District's high streets. Members were seeking a further panel meeting but asked officers to draft a refreshed Terms of Reference with a new post-Covid timeframe.



► **Local High Streets Task and Finish Panel** agenda and minutes can be viewed at this weblink: <https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=819&Year=0>

### **Waste Management Task and Finish Panel**

The Task and Finish Panel managed to conclude the bulk of its work as its last meeting was early March 2020 before the first Covid lockdown. At the Overview and Scrutiny Committee on 16 July 2020, a recommendation was made to reconvene the panel when any new information arising from the Environment Bill, which was re-introduced to Parliament on 30 January 2020 following the general election in December 2019, and any new legislation introduced by the Government.

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## **Stronger Communities Select Committee**

The Stronger Community Select Committee held five virtual meetings this municipal year. The membership was approved at the Overview and Scrutiny Committee at its first meeting on 3 June 2021. The first meeting was held on 15 June 2021 in the Conference Suite at the newly refurbished Civic Offices. Meetings resumed in the Council chamber from September.

### **Members for 2021/22:**

CHAIRMAN

**Councillor Jeane Lea**

VICE-CHAIRMAN

**Councillor Raymond Balcombe**

Councillors:

Heather Brady

Ian Hadley

Stephen Murray

Chidi Nweke

Dave Plummer

Sheree Rackham

Janet Whitehouse

Ken Williamson

David Wixley



Councillor Jeane Lea



Councillor Raymond Balcombe

### **Chairman's foreword**

"The Police we fund do a marvellous job and in September last year reviewed the six-month report on their work in the District. This was followed in March by the District Commander's presentation updating members on general policing issues and answering many questions. In September last year, members reviewed the consultation process and governance structure of the Allocations Scheme Review, Homelessness and Rough Sleeping Strategy Review, Tenancy Policy review and Overarching Housing Strategy. In January the committee reviewed the HRA Business Plan, which will be used to provide us with a reasonable cashflow projection for the next 30 years."

The select committee encompassed the Corporate aims and objectives for stronger communities – people live longer, healthier and independent lives; adults and children are supported in times of need; and people and communities achieve their potential. Most of the work programmes were not cyclical apart from quarterly Customer Services updates, and the six-monthly update of the Council-funded Police officers' work.

### **Council-funded Police officers 6-month report**

The six-month update detailing the range of work and highlighting operations the Council's funded Police team had been involved in was reviewed by the select committee in September 2021. The most significant work had been partnership working responding to a county lines drugs supply in Waltham Abbey. When needed, the policing team had supported Council officers from Environmental Health, Community Resilience, Planning Enforcement and on joint visits at licenced and business premises suspected of committing COVID legislation breaches. Anti-social behaviour, distraction thefts, burglaries, frauds involving vulnerable victims were also targeted.

**Essex Police District Commander** gave a presentation at the March 2022 meeting on more general policing issues and answered a variety of questions.

## Pre-scrutiny highlights

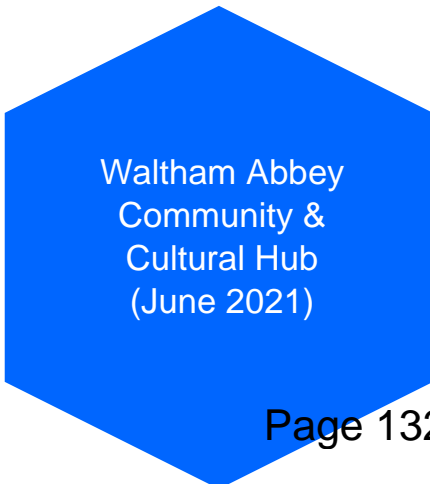
### Review of the 'Big 4' Housing Strategies and Policies

On 21 September 2021, the select committee reviewed the Allocations Scheme Review, Tenancy Policy Review, Homelessness and Rough Sleeping Strategy Review and Overarching Housing Strategy. The Community and Wellbeing Director, J Gould, presented the reports that set out the proposed changes, recommendations and the next steps for the stage 2 consultations. The draft policies were pre-scrutinised on 1 March 2022 prior to decisions by Cabinet on 7 March 2022. The **Allocation Scheme Review** would determine the priorities and the procedure to be followed by the Council, as a Local Housing Authority, when selecting a household to be offered a tenancy of Council owned accommodation or to be nominated for an offer of housing from another registered provider with stock in the District. A review was required every five years and was due for renewal in April 2022 along with the Homelessness and Rough Sleeping Strategy, the Tenancy Policy and the Overarching Housing Strategy. The revised **Homelessness and Rough Sleepers Strategy 2022-2027** and the evidence base that supported the strategy, which included the Homelessness and Rough Sleeping review and the Public Consultation Outcome Report, was reviewed by the select committee. The Council had a statutory duty to publish both a Tenancy Strategy or framework as a stockholding Local Housing Authority. The **Tenancy Policy Review** set out the matters to which the Council in relation to its own stock and the registered providers of social housing within its District were to have regard to when formulating their tenancy policies. The current Tenancy Policy was due for review by July 2022. The select committee asked many questions, which can be viewed in the minutes here [Stronger Council Select Committee 1 March](#)

### HRA Business Plan

The Council's HRA business plan was reviewed in January 2022 that would provide a reasonable cashflow projection of the next 30 years and was based on evidential data from its current systems and projections for economic assumptions in the social housing sector. Officers had taken both a safe and prudent approach when developing the business plan, with a balance between borrowing, developing, and improving the housing stock. The report set out the context, background and what the decent home standard were, in conjunction with factors that would affect the plan including the Council's house building programme, major works, a stock and condition survey and a sector risk profile. The Housing Services Portfolio Holder, Councillor H Whitbread, advised that it was a very detailed and complex report that provided regeneration. The Council's housing building programme would ensure that the more deprived areas of the community were invested in, and it improved the health of those residents. The Cabinet decision was taken on 7 February.

**Other work programme highlights** undertaken at meetings during the year, included:



Waltham Abbey  
Community &  
Cultural Hub  
(June 2021)



Epping Forest District  
Museum  
rationalisation of  
collections  
(September 2021)



**Agendas and minutes**



**Stronger Communities Select Committee** agendas and minutes can be viewed at this weblink:  
<https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=809&Year=0>

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## Stronger Council Select Committee

The Stronger Council Select Committee held six virtual meetings this municipal year. The membership was approved at the Overview and Scrutiny Committee at its first meeting on 3 June 2021. The first meeting was held on 20 July 2021 in the Conference Suite at the newly refurbished Civic Offices. Meetings resumed in the Council chamber from September.

### Members for 2021/22:

CHAIRMAN

**Councillor Peter Bolton**

VICE-CHAIRMAN

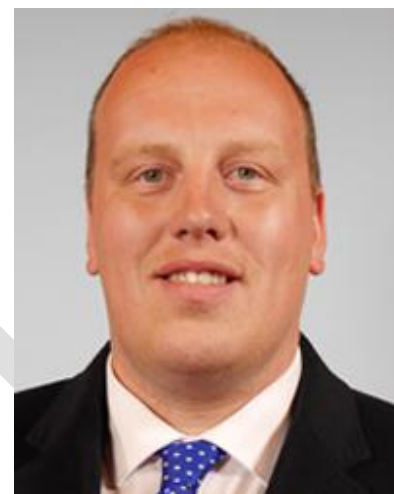
**Councillor Tim Matthews**

Councillors:

Richard Bassett  
Pranav Bhanot  
Heather Brady  
Rose Brookes  
Jayna Jogia  
Helen Kane  
Richard Morgan  
Steven Neville  
Jon Whitehouse



Councillor Peter Bolton



Councillor Tim Matthews

### Chairman's foreword

"Our review of the Beyond the Pandemic employee survey during April-May 2021 in July, was used to help reshape the Council's future ways of working. The review of the four different elections in 2021 showed the successful 'one team' effort by those staffing the counts, and we reviewed the Accommodation Project closure report on the Civic Offices refurbishment which the Chairman officially opened on 1 October."

The select committee had an overview of the Corporate aims and objectives for a stronger Council – democratic engagement; the People Strategy and a culture of innovation through improved workforce skills and performance through innovation and technology; and financial independence with low council tax. Therefore, much of the scrutiny work was of a cyclical nature, as the select committee reviewed the following on a quarterly basis:

- ▶ Corporate Plan Key Action Plan
- ▶ Budget Monitoring Reports
- ▶ Financial planning
- ▶ People Strategy

### Pre-scrutiny highlights

#### Accommodation Project Closure Report

This project had set out to refurbish the Civic Building and 323 House, with the Conder building to be demolished and the rear of the Civic Offices site redeveloped for residential use in line with the Local Plan and crucial to the economic development aspirations for the District. In November 2021, M Hassall, Interim Service Manager / ICT Manager, reported on how the project had performed against its original objectives the lessons learnt. It and was on time and on budget. Members thought the Chamber should be updated/spruced up. The Civic Offices officially opened on 1 October 2021. Councillor Helen Kane, Chairman of Council, Council Leader Councillor Chris Whitbread and the Rt Hon Dame Eleanor Laing MP attended the event, along with other councillors and staff.



## Our Ways of Working 2021-2022 Beyond the Pandemic

This employee survey carried out from April and May 2021. J Budden, People Culture and Wellbeing Service Manager, reported that officers had not only provided business as usual in support of Epping Forest residents but assisted with other essential work on Project Shield and high street recovery projects. Staff had helped the Civic Offices refurbishment to finish on time and on budget. They achieved improved productivity and digitisation for residents and had vastly improved employee engagement and wellbeing. During the Covid pandemic many employees had been working remotely and were no longer reliant on a fixed desk, in a fixed building, working fixed hours. When completing this survey, employees were encouraged to challenge their thinking, giving them the opportunity to give valuable feedback and insight to help inform plans for beyond the pandemic and help reshape the Council's future ways of working for them and the organisation.



## Review of Elections 2021

In September 2021, the select committee reviewed the planning processes and implementation of the 2021 elections held on 6 May. The Police, Fire and Crime Commissioner for Essex, 21 wards of the District Council and 14 of the District's town and parish councils were postponed from their original date of May 2020 owing to the Covid pandemic. The Government decided to hold these elections in May 2021, and they were combined with the elections already scheduled for this date for Essex County Council. Covid restrictions were still in place during the 2021 elections, which necessitated certain changes to the arrangements for operating polling stations with 'one-way' systems being used for larger stations or a 'one-in-one-out' system for the smaller stations. The operation of the Count was also impacted by a requirement to ensure that the Count Staff were socially distanced from each other whilst counting. In addition, with four elections being held simultaneously, the Count could not be completed in one session. G Blakemore, Returning Officer, reported that the planning, management and delivery of all relevant processes for these elections was effective, especially given the circumstances under which the 2021 elections had been held. The management and delivery of these elections had also been reviewed by the Elections Planning Group, chaired by the Returning Officer. The select committee was also informed that the Local Government Boundary Commission for England intended to undertake a full review of the Council's size in terms of the number of Councillors and ward boundaries, which would culminate in all-out District Council elections in May 2024. The Council was overdue a review as the last such exercise took place in 1998. Members raised a number of questions about queues at very busy polling stations, the coldness of the hangar where the count was held, but there was overall support for the superb effort of staff and outside volunteers during the elections. As new legislation on election law was coming, the select committee requested a future report on the consequences of voter ID, how it would affect the Council and any financial implications.



## Draft Budget 2022/23



Cabinet's draft Budget proposals for 2022/23 were considered on 18 January. The Interim Chief Financial Officer, C Hartgrove, introduced the report. It included the revenue and capital proposals for both the General Fund and Housing Revenue Account, a schedule of suggested Fees and Charges for the forthcoming financial year, and an updated Medium-Term Financial Plan covering the financial years 2022/23 through to 2026/27 that reflected both the impact of the draft Budget proposals as well as the latest intelligence available. Members were advised that the medium-term financial position was broadly unchanged since it was last presented in October 2021. The provisional Local Government Finance Settlement 2022/23 of 21 December 2021 was generally as expected and provided further assurance to the underlying financial sustainability in this draft Budget. However, the annual Settlement for 2022/23 had yet to be announced by the Government and a challenge still anticipated in 2024/25 and 2025/26 was as a consequence of the forthcoming new Waste Management Contract. Members questions included a query on the recent high rise in gas and electric prices and if the figures shown were current. C Hartgrove replied these were the figures he was given, but he would cross check them in the coming week.

The Strategic Director and 151 Officer, A Small, advised that inflation was one of the greatest risks facing the Council. There was doubt about energy prices and also about wage settlements. The Council had received a one-year Government settlement for the year ahead but had expected a three-year settlement to give some certainty. The government still intended to implement a 'fairer funding' change to the way it distributed grant settlements, but the Council did not know how that would impact upon it. The situation could have been worse. It justified having a council tax increase after many years and was the right time to build up the Council's balances. It was a sound budget.

**Learning and Development Programme 2021/22**

P Maginnis (Corporate Services Service Director) introduced the report on the Learning and Development programme at 3 March meeting. The new learning management system had various virtual courses online for staff to complete. These ranged from the short 'Skill Pill' sessions to the wider leadership programme to the apprenticeship programme. The Council was also expanding the role of the mental health first aiders to also being dementia friends. The select committee asked how staff training needs were identified as most were working from home and were informed that this was picked up in various ways by their managers and their requirements and the skills they needed. Managers would look at their corporate needs and identify needs via inductions for new starters etc. Some training was still carried out face to face. The report listed the current the current organisational training priorities, such as the development of the management spine, getting team management qualifications, developing new skills around agile working, to upskill our apprentices, understanding the impact of Covid on our staff with training on Mental health issues.

**Employee Induction / Onboarding and Litmos Learning Management System**

Litmos would give new officers an insight into how the Council worked and what the role of a councillor was etc. by generally giving them an insight into the political world of our organisation. This had now been built into the Council's onboarding process and was also now part of its new Litmos system and the onboarding of new starters. The Council could now also develop its own courses and host videos, policies and links. The Corporate Services Service Director reported at the 3 March meeting that it was far more flexible and more up to date than the previous system. Its functionality would help develop all employees. The new system would also allow members access to it, enabling them to have access to courses, such as members safety. Member Services could be trained to administer this part of the system and enable members access to the training.

**Other pre-scrutiny highlights** undertaken at meetings during the year, included:



**Agendas and minutes** 

**Stronger Council Select Committee** agendas and minutes can be viewed at this weblink: <https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=810&Year=0>



## Stronger Place Select Committee

The Stronger Place Select Committee held five virtual meetings this municipal year. The membership was approved at the Overview and Scrutiny Committee at its first meeting on 3 June 2021. The first meeting was held on 22 June 2021 in the Conference Suite at the newly refurbished Civic Offices. Meetings resumed in the Council chamber from September.

### Members for 2021/22:

CHAIRMAN

**Councillor Alan Lion**

VICE-CHAIRMAN

**Councillor Richard Morgan**

Councillors:

Raymond Balcombe

Richard Bassett

Ian Hadley

Simon Heap

Steven Heather

Judy Jennings

Cherry McCredie

Michael Owen

Jo Share-Bernia



Councillor A Lion



Councillor Richard Morgan

### Chairman's foreword

"At the beginning of the new council year, with input from members of the committee, the Terms of Reference was reviewed and simplified to improve understanding. A work programme was developed with direct input by members. These were ratified by the Overview and Scrutiny Committee. Comments taken into consideration were to ensure all information and proposals presented were written papers and there was enough time to scrutinise proposals and incorporate comments and changes before presentation to Cabinet.

Proposals scrutinised:

- Options for the new name for the Civic Offices Hub
- Pre-scrutiny of the waste and recycling collection service/street cleansing contract. This was in relation to the forthcoming review of the waste management contract. Generally, it was felt the contractor had performed well. As a cost saving measure, there was a proposal for the introduction of charges for additional, repaired and replacement bins. A breakdown of the costs for collecting fly-tipping and litter was requested. Before a charging regime was considered a more effective cost breakdown was needed. A full business case with accurate costing was requested.
- Epping Forest car parking tariffs were considered. Comments were made on increased costs and the potential impact on high streets.
- Essex County Council Highways - in November, select committee members questioned Essex County Councillor Lee Scott, Highways and Transport Portfolio Holder, on a range of highway maintenance issues."

The select committee covered the Corporate aims and objectives for a stronger place – delivering effective core services that people want; a District with planned development; and an environment where new and existing businesses thrive. Its definition encompassed Epping Forest District as a

physical Place and to scrutinise the direction, policies and projects of the executive that affect the spatial and infrastructure requirements of the District. Scrutiny of the work programme included:

- ▶ Local Plan updates
- ▶ Council housebuilding
- ▶ Economic growth, skills and employment
- ▶ District-wide Waste Management provision
- ▶ Leisure Management Contract updates

## Pre-scrutiny highlights

### **Branding of the Ground Floor of the Civic Offices**

The Customer Services Director, Rob Pavey, outlined the proposed designs and names for the re-branding of the ground floor of the Civic Offices on 29 September 2021. This reflected the new community and collaborative purpose of the space and promoted the area as a new destination where EFDC services would work collaboratively with partners to provide wraparound solutions for residents and wider community activity. It was not a proposal to rename the Civic Offices but was for the ground floor area. The refurbishment of the Civic Offices had provided an opportunity to review how the building was used, the building had a reduced footprint for staff and the top floor was occupied on a commercial basis. The Service Director explained about the flow through of these ground floor areas and how the proximity and integration of the ground floor activity lent itself to a common brand. Members had been involved over the summer in the proposed designs and two branding options were presented – the Civic Hub and the Civic and recommended 'The Civic Hub' to Cabinet for consideration.

### **Essex Highways Update**

Cllr Lee Scott, Essex County Council Portfolio Holder for Highways and Transport, attended the meeting on 4 November 2021 and gave a brief overview of his remit which covered potholes, buses, transport, coastal erosion, cycling, walking and footpaths. He outlined his desire to meet with District and Parish Councils to gain an understanding of the issues across the County, suggested that the key issue for the County was flooding and advised the select committee that he could be emailed directly, or through the Chairman, to address any issues. He reminded Members that there was a limited budget, so if something was dangerous it would be fixed, but this could not be guaranteed for other issues. Members asked a range of questions which can be viewed here [Stronger Place Select Committee 4 November 2021](#).

### **Review of off-street parking tariffs**

Also, at the same meeting in November, J Warwick (Acting Service Director) introduced the report on the off-street car parks tariffs and advised members that tariffs had not increased since 2015. The review aimed to ensure tariffs were set at a sustainable level to support the operation of car parks and to assist with budget pressures. Cost benefit analysis and consultation with officers and members had been carried out to inform on the proposed changes to off street parking charges, permits and seasons tickets. The car park payment machines would continue to accept cash and cards. The select committee welcomed the two hours free parking on Sundays but raised queries on the electric vehicle charging points in car parks and the increased fee for up to thirty minutes parking that could impact on businesses and revitalising the high streets. As members were concerned about the reduction in parking allocation at the Civic Offices, they were advised that a variety of options would be developed.

### **Additional waste container costs**

In January 2022, the Acting Service Director, J Warwick, advised about the proposal for residents to be charged for: the assessment, issuing and delivery of additional garden waste bins; the assessment, issuing and delivery of larger waste bins; replacement bin cost when the bin had been lost; and that repairs to bins would be the preferential option and remain free of charge. This proposal had been referred to the select committee by the Waste Management Partnership Board and its recommendations would be submitted to Cabinet for approval. Details of the questions raised by members can be viewed here [Stronger Place Select Committee 13 January 2022](#)

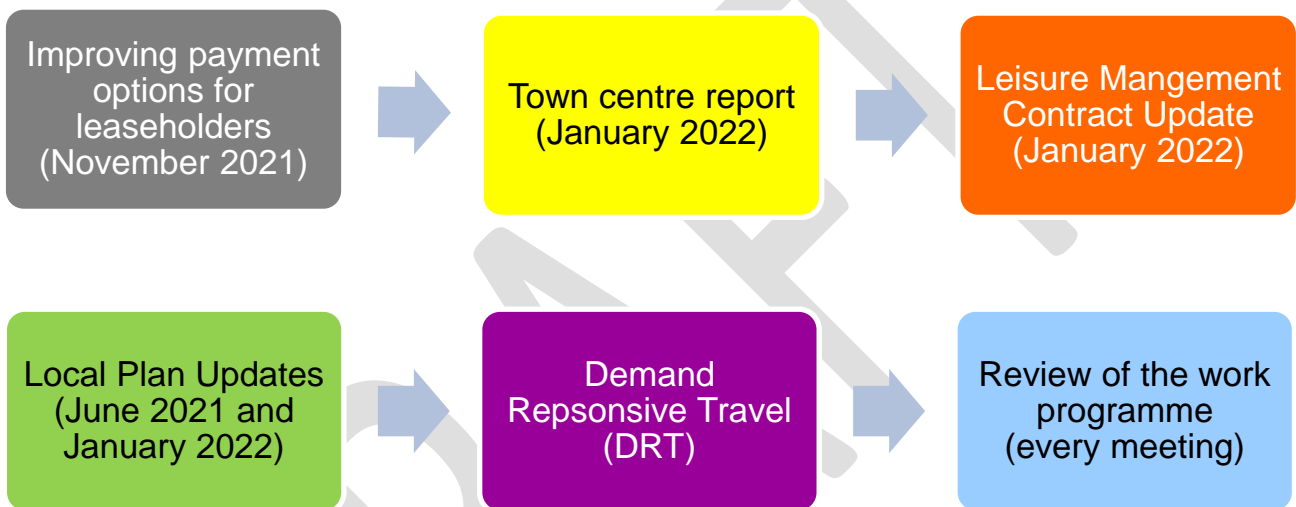
### Enforcement Review

Also at the 13 January meeting, Councillor L Burrows, Portfolio Holder, introduced this review and highlighted the potential costs of £250,000 for the implementation of a system for environmental health and technical enforcement, and developing enforcement of parking at key junctions, footpaths and areas outside school in partnership with the North Essex Parking Partnership (NEPP) and the County Council, as key aspects. Planning enforcement was outside the remit of this review. The focus was on actions that were, in the main, immediate and low cost, and included outline plans for improved technology which could be brought forward in two stages. The select committee was advised that there were many aspects to enforcement activity and recourse to legal action was the last resort.

### Transport Strategy and Sustainable Transport

On 15 March,

**Other work programme highlights** included



**Agendas and minutes**



**Stronger Place Select Committee** agendas and minutes can be viewed at this weblink:

<https://rds.eppingforestdc.gov.uk/ieListMeetings.aspx?CId=811&Year=0>

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**Epping Forest  
District Council**

**THE KEY DECISION LIST**

**INCLUDING PROPOSED PRIVATE DECISIONS**

**(01 March 2022)**

## **The Key Decision List including Proposed Private Decisions**

There is a legal requirement for local authorities to publish a notice in respect of each Key Decision that it proposes to make, at least 28 days before that decision is made. There is also a similar requirement to advertise those decisions, whether they are Key Decisions or not, which it is proposed to be made in private with the public and press excluded from the meeting. This Key Decision List, including those decisions proposed to be made in private, constitute that notice. Copies of the Key Decision List are available for inspection at the Council's Civic Offices, as well as on the Council's website in the 'Your Council' section.

Any background paper listed can be obtained by contacting the relevant Officer in the first instance, or failing that the Democratic Services Officer listed below.

### **Key Decisions**

The Council's Constitution defines key decisions as:

- (i) Any decision within budget and policy that involves expenditure/savings of £250,000 or more in the current municipal year;
- (ii) Any decision not within budget and policy that involves expenditure/savings of £100,000 or more in the current municipal year;
- (iii) Any decision that raises new issues of policy;
- (iv) Any decision that increases the Council's financial commitments in future years, over and above existing budgetary approval;
- (v) Any decision that involves the publication of draft or final schemes, which may require either directly, or in relation to objections to, the approval of a Government minister;
- (vi) Any decision that involves the passage of local legislation; and
- (vii) Any decision that affects two or more wards, and has a discernible effect on the quality or quantity of services provided to people living or working in that area.

Borrowing or lending decisions undertaken under delegated authority by the Chief Financial Officer are not defined as a key decision.

The Council has also agreed the following additional requirements in relation to key decisions:

- (a) Key decisions cannot be made by officers;
- (b) Key decisions not within budget and policy can only be made by the Council;

- (c) Key decisions within budget and policy but involving expenditure/savings in excess of £1million can only be made by the Cabinet and/or Council;
- (d) Key decisions within budget and policy but involving expenditure/savings between £250,000 and £1million can be made by the relevant Portfolio Holder;
- (e) Portfolio Holders can only make key decisions affecting their wards if the decision is based upon a recommendation by a Service Director or as one of a range of options recommended by a Service Director.

### **Private Decisions**

Any decisions that are proposed to be taken in private will be reported as such. The paragraph number quoted relates to Part 1 of Schedule 12A of the Local Government Act 1972, and their definitions are as follows:

- (1) Information relating to any individual.
- (2) Information which is likely to reveal the identity of an individual.
- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes:
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

## **Corporate Aims & Key Objectives 2021/22**

### **Stronger Communities**

- (1) People live longer, healthier and independent lives:
  - (a) supporting healthy lifestyles; and
  - (b) promoting independence for older people and people with disabilities;
- (2) Adults and Children are supported in times of need:
  - (a) safeguarding and supporting people in vulnerable situations; and
- (3) People and Communities achieve their potential:
  - (a) enabling Communities to support themselves;
  - (b) Providing culture and leisure opportunities; and
  - (c) Keeping the District safe.

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### **Stronger Place**

- (1) Delivering effective core services that people want:
  - (a) Keeping the District clean and green; and
  - (b) Improving the District housing offer;
- (2) A District with planned development:
  - (a) Planning development opportunities; and
  - (b) Ensuring infrastructure supports growth; and
- (3) An environment where new and existing businesses thrive:



- (a) Supporting business enterprise and attracting investment;
- (b) People develop skills to maximise their employment potential; and
- (c) Promoting retail, tourism and the visitor economy.

#### Stronger Council

- (1) Customer satisfaction:
  - (a) Engaging with the changing needs of our customers;
- (2) Democratic engagement:
  - (a) Robust local democracy and governance;
- (3) A culture of innovation:
  - (a) Enhancing skills and flexibility of our workforce; and
  - (b) Improving performance through innovation and new technology; and
- (4) Financial independence with low Council Tax:
  - (a) Efficient use of our financial resources, buildings and assets; and
  - (b) Working with commercial partners to add value for our customers.

**Cabinet Membership 2021/22**

Chris Whitbread	Leader of the Council
John Philip	Finance, Qualis Client & Economic Development
Aniket Patel	Community & Regulatory Services
Sam Kane	Customer & Partnerships
Nigel Bedford	Planning & Sustainability
Holly Whitbread	Housing Services
Nigel Avey	Environmental & Technical Services
Darshan Sunger	Corporate Services
Les Burrows	Programmes & Projects (Cabinet Member without Portfolio)

**Contact Officer**

Adrian Hendry  
Democratic Services Officer

Tel: 01992 564246  
Email: [ahendry@eppingforestdc.gov.uk](mailto:ahendry@eppingforestdc.gov.uk)

WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022

PORTFOLIO - LEADER

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
LGA Peer review - Position Statement	Draft Position Statement for the LGA Peer review.	No	11 April 2022	Cabinet		Georgina Blakemore 01992 56 4233	
Peoples Strategy - Ongoing	To establish the Council's new Common Operating Model as part of the People Strategy.  To consider further details for the next stage of the Common Operating Model.	Yes		Cabinet		Georgina Blakemore 01992 564233	PID P170 - Peoples Strategy Common Operating Model - Management Structure
Risk Management	Review of Current Risk Register.	Yes	25 January 2022	Cabinet		Andrew Small 01992 564278	
Local Government Council Size and Boundary Review	To review the number of Councillors.  Council Submission to LGBCE.  To review the Warding Pattern.	Yes	<del>16 Dec. 2021</del>  24 February 2022	<del>Council</del>  Council		Georgina Blakemore 01992 56 4233	

**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022**

**PORTFOLIO - PLANNING AND SUSTAINABILITY**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
Implementation of the Local Plan - Ongoing	Quarterly update report on progress. To become a delivery report once Plan agreed by the Inspector.	Yes		Cabinet		Nigel Richardson 01992 564110	
EFDC Sustainability Guidance Volume 3 (Extension & Refurbishments)	To note the public consultation process and outcomes and to endorse volume 3 of the District's Sustainability Guidance as a material planning consideration for pre-application advice, assessing planning applications and any other development management purposes within the District.	Yes	7 March 2022	Cabinet		Merve Anil	Cabinet Report March 2021
Epping Forest SAC Strategic Access Management Measure Strategy and Governance Arrangements	To adopt a partnership agreement for the delivery of site access Management and Monitoring Measures.	Yes	11 April 2022	Cabinet		Vicki Willis 01992 564593	
Air Quality Action Plan	Approval of AQAP to mitigate air pollution in the Air Quality Action Area.	Yes	March 2023	Cabinet		Sally Devine 01992 564149	

**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022****PORTFOLIO - FINANCE, QUALIS CLIENT AND ECONOMIC DEVELOPMENT**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
Qualis Monitoring - Ongoing Quarterly	Financial reporting plan update.	Yes		Cabinet		Andrew Small 01992 564278	
Sale of Pyrles Lane to Qualis	To ask the Cabinet to agree the sale of the site to Qualis.	Yes	7 March 2022	Cabinet		Andrew Small 01992 56 4278	

**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022**

**PORTFOLIO - ENVIRONMENTAL AND TECHNICAL SERVICES**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
Transfer of Services to Qualis	To consider the business case for the transfer of MOT and Fleet.	Yes	TBC	Cabinet		Andrew Small 01992 56 4055	
Transfer of Services to Qualis	To consider the business case for the transfer of Grounds Maintenance.	Yes	TBC	Cabinet		Andrew Small 01992 56 4055	
Epping Leisure Centre - Award of Contract	Decision to award the contract to build Epping Leisure Centre.	Yes	October 2022	Cabinet		James Warwick 01992 564350	
EFDC Litter Strategy	To approve the EFDC Litter Strategy.	Yes	July 2022	Cabinet		James Warwick 01992 56 4350	

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**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022**

**PORTFOLIO - HOUSING SERVICES**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
Review of Tenancy Strategy - update on Changes	Ongoing Updates.	No		Cabinet		Deborah Fenton 01992 56 4221	
New Fees and Charges	Report requiring a decision regarding charging for non-statutory services.	Yes		Cabinet		Deborah Fenton 01992 56 4221	
Proposed Change to Service Charges RTB Receipts - New Policy	Policy outlining who we allocate right to buy receipts.	Yes		Cabinet		Deborah Fenton 01992 56 4221	
Allocations Policy	Current allocations policy due to expire March 2022. A revised Policy is being drafted, consulted on and taken through governance structure ahead of agreement by Cabinet ready for implementation of new policy in April or May 2022 depending on pre-election publication restrictions.	Yes	7 March 2022	Cabinet		Jennifer Gould 01992 564073	
Tenancy Policy	Current tenancy policy due to expire March 2022. The policy is being re-drafted recommending no changes and is being taken through governance structure ready for implementation of the new policy in April or May 2022 depending on pre-election publication restrictions.	Yes	7 March 2022	Cabinet		Jennifer Gould 01992 564073	
Housing Strategy	EFDC's current Housing Strategy reaches end of life	Yes	July 2022	Cabinet		Jennifer Gould 01992 564073	

	in March 2022. A draft strategy is being consulted on and taken through governance structure ahead of formal adoption in August 2022 subject to Cabinet approval in July 2022.						
Homelessness and Rough Sleeping Strategy	EFDC's current Homelessness and Rough Sleeping Strategy reaches end of life in March 2022. A revised strategy is being consulted on and taken through governance structure ahead of formal adoption in April or May 2022 depending on pre-election requirements.	Yes	7 March 2022	Cabinet		Jennifer Gould 01992 564073	
Options for Leasehold Recovery	Asking for approval to options to extend timeframe for recovery of leaseholder charges.	No	25 January 2022	Cabinet		Deborah Fenton 01992 56 4221	



ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
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**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022**

**PORTFOLIO - COMMUNITY AND REGULATORY SERVICES**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
North Weald Airfield Masterplan	To report back on the interest to develop the identified Masterplanning area on North Weald Airfield. Item to be taken to a Cabinet workshop for discussion.	Yes	11 April 2022	Cabinet		Nick Dawe 01992 56 4000 (2541)	
Markets Policy	To establish a new Markets Policy for the District.	Yes	11 April 2022	Cabinet		Sally Devine 01992 564149	
Extension of Funded Essex Police Community Safety Team	To review the extension of the SLA with Essex Police to fund EFDC Community Policing Team which ends in June 2023.	Yes	11 April 2022	Cabinet		Caroline Wiggins 01992 564122	Cabinet Reports previously published

ITEM	DESCRIPTION	KEY DECISION	DATE OF DECISION	DECISION MAKER	PRIVATE DECISION	REPRESENTATION ARRANGEMENTS	BACKGROUND PAPERS
Direct Award of the Print Contract	To award a 3 year contract for Council Printing.	Yes	11 April 2022	Cabinet		Dawn Baird 01992 564000 (ext. 2557)	

**WORK PROGRAMME - 1 MARCH 2022 TO 30 JUNE 2022**

**PORTFOLIO - PROGRAMMES AND PROJECTS (CABINET MEMBER WITHOUT PORTFOLIO)**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>KEY DECISION</b>	<b>DATE OF DECISION</b>	<b>DECISION MAKER</b>	<b>PRIVATE DECISION</b>	<b>REPRESENTATION ARRANGEMENTS</b>	<b>BACKGROUND PAPERS</b>
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## Overview and Scrutiny Committee Work Programme 2021/22

**Chairman: Councillor M Sartin**

#	ITEM	REPORT DEADLINE	PROGRESS/COMMENTS
1.	Cabinet Business	Ongoing	To review the Executive's programme of Key Decisions at each meeting, to identify appropriate matters for the work programme and provide an opportunity for the overview of specific decisions.  To consider any call-ins, as and when they arise.
2.	Group Company Structure	Ongoing ♦  Added to work programme by Agenda Planning Group (29-Oct-20)	To review progress regarding the establishment and operation of the Council's Group Company Structure at each meeting of the Committee.  ♦ <i>NB: At O&amp;S Agenda Planning Group 21.01.21, it was queried if Qualis needed to be a standing item but as all the scrutiny committees would have the opportunity to review their work programmes, this could be revisited in the new municipal year.</i>
3.	Covid-19 Response and Recovery	Ongoing  Added to Work Programme by OSC (22-Jun-20)	To review progress of the Covid-19 Response and Recovery Plan.
4.	Overview and Scrutiny Work Programme 2021/22	3 June 2021	To agree the work programmes for the Overview and Scrutiny Committee and each of the select committees for 2021/22.  (First meeting of each municipal year)

5.	Select Committee Memberships	3 June 2021	To consider nominations for membership of and appoint the Chairman & Vice-Chairman for each Select Committee.  (First meeting of each municipal year)
6.	Corporate Priorities 2021/22	3 June 2021	Leader of Council to present the Council's corporate priorities for 2021/22 to the Committee.  (First meeting of each municipal year)
7.	New Policy (Trees)	3 June 2021	To pre-scrutinise the new Policy on the Council's approach to trees which are impacting on the safety of its assets. (Cabinet decision due on 21.06.21).
8.	Town Centre Regeneration	8 June 2021 (extra)	To pre-scrutinise town centre regeneration for Loughton, Epping and Buckhurst Hill. (Cabinet decision due on 21.06.21).
9.	Pyrles Lane (Loughton) site	8 June 2021 (extra)	To pre-scrutinise Qualis' acquisition and development of the Pyrles Lane site. (Cabinet decision due on 06.12.21).
21.	Qualis Monitoring Report	8 June 2021 (extra)	To pre-scrutinise the Qualis 2020/21 Q2 monitoring report (due to timing issues, as progress reports go to Stronger Council Select Committee).
10.	Qualis Four-Year Business Plan	1 July 2021  Agreed at Agenda Planning Group (08-June-21)	To pre-scrutinise the Qualis four-year business plan for 2021-2025. (Cabinet decision due on 12.07.21).  <i>(NB: work programme item (11) Business case for the transfer of Corporate Asset management service – this was incorporated into the Qualis Four-Year Business Plan).</i>
12.	Overview and Scrutiny 2020/21 Annual Report	1 July 2021	To approve the final draft of the Annual Report.

13.	Local High Streets – Viability and Regeneration	12 October 2021 (Carried forward from 2020/21 work programme)	Report on reconvening the Local High Streets Task and Finish Panel which was postponed during 2020/21 until after the Covid crisis.
14.	Corporate Plan Year 4 2021/22: Q1 Performance	12 October 2021	To review Q1 performance by exception in relation to the Key Performance Indicators & Work Programmes within the Corporate Plan.
22.	Climate change	12 October 2021	Draft progress report (as overarching topic that spanned many services)
16.	Corporate Plan Year 4 2021/22: Q2 Performance	18 November 2021	To review Q2 performance by exception in relation to the Key Performance Indicators & Work Programmes within the Corporate Plan.
25.	Harlow and Gilston Garden Town – Transport Strategy	18 November 2021	To pre-scrutinise transport strategy. (Cabinet decision due 06.12.21)
26.	Princess Alexandra Hospital (external scrutiny)	7 December 2021	To review progress made on development of the new hospital site and scrutiny of the Care Quality Commission report published 17.11.21.
28.	One Health & Care Partnership (external scrutiny)	27 January 2022	To receive a presentation from West Essex Clinical Commissioning Group on forthcoming changes to the delivery and organisation of health services and the associated role of the local authority. (Part of new Health Act from April 2022, which will result in an imminent move to a Herts West Essex Integrated Care System).
17.	Corporate Plan Year 4 2021/22: Q3 Performance	27 January 2022	To review Q3 performance by exception in relation to the Key Performance Indicators & Work Programmes within the Corporate Plan.
29.	HRA Business Plan	27 January 2022	To consider the business plan and receive a presentation from D Fenton (Housing and Property Service Director) and consultant, A Marshall-Smith. (Also to Stronger Communities Select Committee on 11-Jan-2021).

18.	Epping Forest Youth Council	31 March 2022	Annual Report from the Epping Forest Youth Council on completed and proposed activities.
24.	<del>People Team – Induction process</del>	31 March 2022 <del>Added to Work Programme by OSC (12-Oct-21)</del>	<del>To review the induction process for officers in respect of the Council. Deferred by OS APG on 6-Jan-2021 to 31 March meeting. (Going to Stronger Council Select Committee on 3 March 2022).</del>
27.	Market Policy (draft)	<del>7 December 2021</del> <del>27 January 2022</del> 31 March 2022	To review the draft Market Policy. Withdrawn from agenda prior to meeting, as a legal opinion was being sought regarding market authority status for Charter towns. Deferred by OS APG on 6-Jan-21 to 31 March meeting, as awaiting Counsel advice. (Cabinet decision to be realigned and put back to 11 April 2022).
30.	Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy (draft)	31 March 2022	To review the SAMM Strategy (Cabinet decision due on 11 April 2022).
31.	Climate Change Action Plan Consultation	31 March 2022	To review the update report. (Cabinet decision due on 11 April 2022).
19.	Elections Planning Progress Report	N/A ( <del>31 March 2022</del> )	REMOVED from work programme by OSC at 01.07.21 meeting as scrutiny undertaken by Stronger Council Select Committee.
23.	Enforcement Project – stage 1 progress	N/A <del>18 November 2021</del>	REMOVED from work programme as scrutiny undertaken by Stronger Places Select Committee.
15.	Transfer of Services to Qualis	TBC	To pre-scrutinise the business case for the transfer of MOT, Fleet and Grounds maintenance. (Cabinet decision TBC)
20.	Environmental Information Requests	TBC	To pre-scrutinise charging for EIRs. (Cabinet decision TBC)



33.	Cash Payments Solutions	16 June 2022 TBC	To review the cash payments solutions. (Joint report from Customer Services and Housing)
32.	City of London Corporation – Epping Forest Management Strategy and Business Plan 2020-2030	TBC  Re: Agenda Planning Group (28-Feb-22)	Proposal made by Cllr D Wixley at Overview and Scrutiny Committee meeting on 18-Nov-21 (see OSC Minute no 60(b)).  To be invited to June/July OSC meeting (see OS APG Minute no 33(b)).

### RESERVE PROGRAMME ITEMS

ITEM	REPORT DEADLINE/PRIORITY	PROGRESS/COMMENTS
Essex County Council (Children's Services) (Scrutiny of External Organisation)	Carried forward from reserve work programme for 2017/18 and 2018/19.  Re: Agenda Planning Group (12-Jan-21)	Recommendation arising from Children's Services Task and Finish Panel requires the Committee to meet with Essex County Council in respect of children's services on an annual basis. The Director of Children's Commissioning attended the meeting in April 2016. To be considered further at a later date. Scope/focus of scrutiny activity and appropriate lines of questioning to be agreed if/when added to ongoing work programme;  <i>Members to consider moving this item up a level in relation to children and Covid in the municipal year 2021/22.</i>
Thames Water	2022/23 – TBC  Re: OSC 27.01.22 & Joint Meeting 20.01.22	Proposal made by S Murray (see OSC Minute no 81b) (see Joint Meeting 2021/22 Minute no 13, action (1) for lead scrutiny officer – Lead scrutiny officer, G Woodhall, to contact).
Essex Highways	2022/23 – TBC  Re: Joint Meeting 20.01.22	Highways plans for road maintenance of the District rural network and minor roads (see Joint Meeting 2021/22 Minute no 15, action (10) – Lead scrutiny officer, G Woodhall, to contact).

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## Stronger Communities Select Committee

### Work Programme 2021/22

**Chairman: Cllr J Lea**

**Stronger Communities Corporate Programme Alignment focuses on People living longer, healthier and independent lives; Adult and Children were supported in times of need; and People and Communities achieve their potential.**

No.	Item	Deadline	Progress and Comments	Owner (Officer)	Programme of Meetings
1.	The Social Housing White Paper	15 June 2021	COMPLETED	D Fenton	<del>15 June 21</del> <del>21 Sept 21</del> 11 Jan 22 1 Mar 22 22 Mar 22 * (meeting solely for Ch/Inp Annual reports)
2.	Our new approach to resident's involvement	15 June 2021	COMPLETED	D. Fenton	
3.	Waltham Abbey Community & Cultural Hub (Feasibility on Epping Forest culture and community hub)	15 June 2021	COMPLETED Detailed proposal to be considered	J. Gould	
4.	"What are our customers telling us?" and update on the Customer Services Strategy	15 June 2021	Quarter 1 Report – Committee was updated. The figures for Q1 would not be available until 30 June.	S. Lewis/ R. Pavey	
		21 Sept 2021	Quarter 2 Report – Committee was updated.		
		22 March 2021	Reporting on a 6-month basis		
5.	Six-month report on the work of the Council-funded Police Officers	21 Sept 2021	COMPLETED	C. Wiggins	

6.	EFDC Museum Collections	21 Sept 21	To consider the high-level action Plan for the programme of work over 3 years, sent out in the Corporate performance Reporting Q3 and requested at O&S on 19.11.20.	F. Pellegrino/ J. Gould	
7.	Homelessness and Rough Sleeping Strategy Review	EFDC's current Homelessness and Rough Sleeping Strategy reaches end of life in March 2022. A revised strategy will need to be taken through governance structure ahead of formal adoption in April 2022.		J Gould	
		21 Sept 21	Considering the initial consultation on the review of the Strategy.		
		1 March 22	Considering the draft Strategy and make recommendations to Cabinet.		
8.	Allocations Scheme Review	Current allocations policy due to expire March 2022. A revised Policy will need to be drafted, consulted on and be taken through governance structure ahead of agreement by Cabinet ready for implementation of new policy in April 2022.		J Gould	
		21 Sept 21	Considering the initial consultation on the review of the Policy.		
		1 March 22	Considering the draft Policy and make recommendations to Cabinet.		
9.	Tenancy Policy Review	Current tenancy policy due to expire March 2022. A revised Policy will need to be drafted, consulted on and be taken through governance structure ahead of agreement by Cabinet ready for implementation of new policy in April 2022.		J. Gould	
		21 Sept 21	Considering the initial consultation on the review of the Policy.		
		1 March 22	Considering the draft Policy and make recommendations to Cabinet.		
10.	Overarching Housing Strategy	EFDC's current Housing Strategy reaches end of life in March 2022. A revised strategy will need to be taken through governance structure ahead of formal adoption in August 2022.		J. Gould	
		21 Sept 21	Considering the initial consultation on the review of the Strategy.		
		June 22	Considering the draft Strategy and make recommendations to Cabinet.		
11.	Domestic Abuse Act	June 22	A briefing to members on the Act and the Strategy and impact on EFDC.	J. Gould/ C. Wiggins	

12.	Market Strategy	11 Jan 22	To be considered by O&S Committee	S. Devine	O&S 27.01.22
13.	Sheltered Housing	11 Jan 22	Alarm upgrades in Sheltered housing.	D. Fenton	
14.	HRA Business Plan	11 Jan 22	To consider the HRA Business Plan	D. Fenton	
15.	Presentation from the District Police Commander	22 March 2022	Annual Report	C. Wiggins	
16.	Community Safety Partnership annual report and review of the district Strategic Intelligence Assessment	22 March 2022	Annual Report	C. Wiggins	
17.	Housing Associations	TBC	To consider how the Council could scrutinise housing associations. Requested O&S 3.06.21 Supported by the Committee 15.06.21	J. Gould/ D Fenton	
18.	Data insight led review of customer service outlets	1 March	Options and recommendations for short, medium and long-term options *Update provided in the agenda. (1.03.22)	S Lewis	
19.	Digital Inclusion	1 March	*Update provided in the agenda. (1.03.22)	S Lewis	
20.	Unaffordable rents	TBC	To report on the numbers of social rents and affordable rents for properties being built under the Council Housebuilding programme and those being bought under right to buy receipts. (O&S 12.10.21)	J. Gould/ D Fenton	
21.	Resident Involvement Strategy	June/July 2022	To consider the proposed Strategy for Resident Involvement which meets the requirements of the 2020 White Paper "The Charter for Social Housing Residents"	R Smith/ C Bagan-Jones	
22.	Rent Model for EFDC	June/July 2022		D Fenton	
23.	Tenant Satisfaction Measures Consultation	June/July 2022		D Fenton	
24.	Sheltered Housing Update	June/July 2022		D Fenton	

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**Stronger Council Select Committee  
Work Programme 2021/22  
Chairman: Councillor P Bolton**

No.	Item	Deadline	Progress and Comments	Programme of Meetings	Lead Officers
1.	Corporate Plan Action Plan (KPI's by exception) – performance scrutiny	Corporate Action Plan KPI's, Q1 Apr, May, Jun – 20 July 2021 meeting Q2 Jul, Aug, Sept - 16 Nov 2021 meeting Q3 Oct, Nov, Dec - 18 Jan 2022 meeting Q4 Jan, Feb, Mar – 14 Apr 2022 meeting  Live system reporting – by exception. No pre- distributed reports, projection of live data on the night.		<del>20 July 2021</del> <del>14 Sept. 2021</del> <del>16 Nov. 2021</del> <del>18 January 2022</del> 03 March 2022 14 April 2022	James West?
2.	People Strategy	20 July and 16 Nov. 2021 – 18 January 2022 & 14 April 2022 Project reporting, issues focussed.			Paula Maginnis  Jo Budden
3.	Digital Enablement	Prioritisation of Council Technology strategy.			Paula Maginnis Maryvonne Hassall
4.	Accommodation	20 July and 16 Nov. 2021 Closure Report Project reporting, issues focussed			Maryvonne Hassall

5.	Financial Planning	Scrutiny of MTFP 21/22 onwards 16 Nov 2021		Andrew Small Christopher Hartgrove
6.	Budget scrutiny	Qtr. 1 Budget Monitoring Rtp. 2021/22 – 14 September 2021; Qtr. 2 Budget Monitoring Rtp. 2021/22 – 16 November 2021; Qtr. 3 Budget Monitoring Rtp. 2021/22 – 3 March 2022  2022/23 budget setting 18 January 2022	Budget Monitoring Reports (Revenue and Capital Outturn for 2020/21)	Andrew Small
7.	Asset Management Strategy	Council asset strategy (new)	Approved by the Cabinet 13/06/19 and referred to Council 30/07/19 for adoption.	Andrew Small
8.	Review of Local Elections 2021	14 September 2021		Gary Woodhall
9.	Quarterly Budget Monitoring Report			Andrew Small/ Chris Hartgrove
10.	Quarterly Qualis Monitoring	14 Sept 2021		Andrew Small
11.	Report on new election legislation on Voter ID and any financial implications for the Council. when information was available.	TBC		Gary Woodhall
12.	Learning and Development	3 March 2022		Julie Dixon
13	Customer Services (Overall satisfaction)	TBC	To receive a recovery plan on this failing KPI	



**Stronger Place Select Committee  
Work Programme 2021/22**

**Stronger Place Corporate Programme Alignment focuses on corporate objectives and our response to Covid-19 recovery.**

No.	Item	Deadline	Progress and Comments	Member /Officer	Programme of Meetings
1	Harlow and Gilston Garden Town (HGGT) – Transport Strategy	tbc	To be considered by O& S 18 Nov 2021		22Jun-2021 23-Sept-2021 4-Nov-2021 13-Jan-2022 15-Mar-2022
2	Local Plan	tbc	Update on Main Modifications		
3	Branding of the Ground Floor of the Civic Offices	23 Sept 2021	COMPLETED		
4	PAH & Whipps Cross	13 Jan 2022	MOVE TO O & S		
5	Waste Management	4 Nov 2021	Contract/service options and retender -COMPLETED	J Warwick	
6	Off-Street Car Park Tariff Review	4 Nov 2021	COMPLETED	J Warwick	
6	Littering	tbc	Consider littering across the District		
7	District Wide Leisure Services Development		Further to discussion at O & S 12 Oct 2021 (minute no 47 and 49) this item will be discussed at the next joint meeting in January 2022.		
8	Town Centre Progress Report	13 Jan 2022	COMPLETED	John Houston	
9	Public Transport services including Taxis.	15 Mar 2022			
10	Traffic control, Cycle Lanes, Electric Scooters. Electric charging	15 Mar 2022			
11	Highways.	tbc	Covered by item 18		
12	Country Care	tbc			
13	Land Drainage	tbc			
14	Flooding and SuDS	tbc	Dependency on several agencies: Environment Agency/Highway		
15	Tree Preservation.	tbc			
16	Climate Change		Considered by O & S		

17	Enforcement	13 Jan 2022	COMPLETED Report from Cllr Burrows		
18	Essex Highways	4 Nov 2021	External update form ECC Portfolio Holder _COMPLETED		
19	Waste management	13 January 2022	COMPLETED Additional waste container costs	James Warwick	